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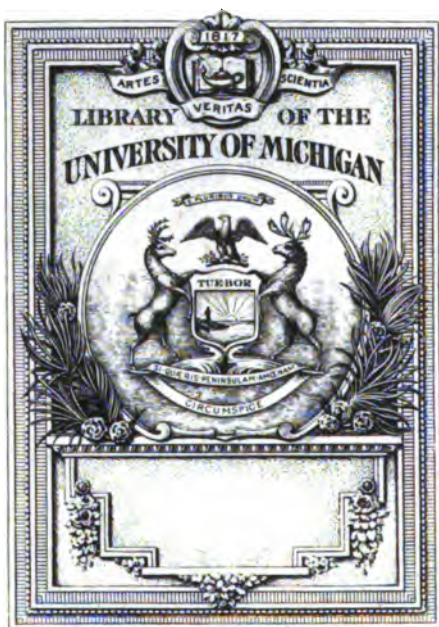
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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF NEW YORK:**

**AT THEIR**  
**EIGHTY-FIFTH SESSION,**

**BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY, ON THE  
SEVENTH DAY OF JANUARY, 1862.**



**ALBANY:**  
**CHARLES VAN BENTHUYSEN, PRINTER TO THE LEGISLATURE,**  
**1862.**



# JOURNAL OF THE SENATE.

## STATE OF NEW YORK:

SENATE CHAMBER, IN THE CITY OF ALBANY,

TUESDAY, JANUARY 7, 1862.

Pursuant to the sixth section of the tenth article of the Constitution of the State of New York, designating the first Tuesday in January, in each year, for the time of meeting of the Legislature, the Hon. Robert Campbell, Lieutenant Governor, and the following Senators from the several districts of the State, appeared in the Senate, to wit:

First District.....	Monroe Henderson.
Second District.....	Jesse C. Smith.
Third District.....	Henry C. Murphy.
Fourth District.....	Christian B. Woodruff.
Fifth District.....	Charles G. Cornell.
Sixth District.....	John J. Bradley.
Seventh District.....	Richard B. Connolly.
Eighth District.....	Hezekiah D. Robertson.
Ninth District.....	Henry R. Low.
Tenth District.....	Jacob S. Freer.
Eleventh District.....	William H. Tobey.
Twelfth District.....	Ralph Richards.
Thirteenth District.....	John V. L. Pruyn.
Fourteenth District.....	Joseph H. Ramsey.
Fifteenth District.....	John Willard.
Sixteenth District.....	Russell M. Little.
Seventeenth District.....	Charles C. Montgomery.
Eighteenth District.....	James A. Bell.
Nineteenth District.....	Alexander H. Bailey.
Twentieth District.....	George A. Hardin.
Twenty-first District.....	Richard K. Sanford.
Twenty-second District.....	Allen Munroe.
Twenty-third District.....	Henry A. Clark.
Twenty-fourth District.....	Lyman Truman.
Twenty-fifth District.....	Chauncey M. Abbott.
Twenty-sixth District.....	Charles J. Folger.
Twenty-seventh District.....	Charles Cook.
Twenty-eighth District.....	Lysander Farrar.
Twenty-ninth District.....	Almanson Hutchinson.
Thirtieth District.....	Wilkes Angel.
Thirty-first District.....	John Ganson.
Thirty-second District.....	Horace C. Young.

Prayer was offered by Rev. Mr. Selkirk.

The Senators having taken and subscribed the constitutional oath of office, the President declared the Senate organized and ready to proceed to business.

Mr. Munroe offered the following resolution :

*Resolved*, That James Terwilliger be, and he is hereby appointed Clerk of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bailey offered the following resolution :

*Resolved*, That Richard U. Owens be, and he is hereby appointed Sergeant-at-Arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Robertson offered the following resolution :

*Resolved*, That Caleb S. Babcock be, and he is hereby appointed Assistant Sergeant-at-Arms of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Richards offered the following resolution :

*Resolved*, That Orville Griffin be, and he is hereby appointed Doorkeeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Hardin offered the following resolution :

*Resolved*, That Charles Johnson be, and he is hereby appointed First Assistant Doorkeeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Montgomery offered the following resolution :

*Resolved*, That Sanders Wilson be, and he is hereby appointed Second Assistant Doorkeeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Hutchinson offered the following resolution :

*Resolved*, That Giles H. Holden be, and he is hereby appointed Third Assistant Doorkeeper of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bell offered the following resolution :

*Resolved*, That a committee of two be appointed by the President to wait upon the Governor and inform his Excellency that the Senate is now organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That Messrs. Bell and Murphy be said committee.

Mr. Angel offered the following resolution :

*Resolved*, That a committee of two be appointed to wait upon the Honorable the Assembly, and inform that body that the Senate is organized and ready to proceed to business.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That Messrs. Angel and Willard be such committee.

Mr. Hutchinson offered the following resolution :

*Resolved*, That the Clerk of the Senate be directed to invite the Clergymen of the city of Albany, who have charge of religious congregations, to

open the daily sittings of the Senate with prayer, and to attend in such order as shall best suit their convenience.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Abbott offered the following resolution :

*Resolved*, That the Clerk of the Senate make the usual arrangements for the payment of postage on all papers received by and sent out ; also on all public documents sent out by Senators and officers during the session, provided that the amount to be paid upon any one document shall be limited to the sum of twenty cents.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Connolly offered the following resolution :

*Resolved*, (if the Assembly concur,) That the joint rules of the Senate and Assembly, which were in force at the last session of the Legislature, be adopted for the government of the two Houses during the present session.

*Ordered*, That said resolution be laid on the table.

Mr. Robertson offered the following resolution :

*Resolved*, That the privileges of the floor of the Senate chamber be tendered to Col. J. A. Mulligan during his stay in this city.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Truman offered the following resolution :

*Resolved*, That the Senate will meet daily at 11 o'clock A. M., and adjourn at fifteen minutes before two, P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Connolly offered the following resolution :

*Resolved*, That all copies of the documents published by order of the Senate, be trimmed and bound in paper covers, in the same manner as at the last session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Bell, from the committee appointed to wait upon the Governor, reported that they had discharged that duty, and that his Excellency was pleased to say that he would make a communication to the Senate in writing.

By unanimous consent, Mr. Truman presented a petition of John T. Hildreth, for the prevention of the sale of swill milk.

*Ordered*, That said petition be referred to the committee on agriculture, when appointed.

By unanimous consent, Mr. Connolly presented a petition of Patrick Colwell, for compensation for loss of horse, harness, hay, oats, &c., by the falling of the State Arsenal in the city of New York, November, 1858.

*Ordered*, That said petition be referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. Abbott presented a petition of John F. Paekard and Henry Hoffman, for release as sureties on a contract for canal repairs.

*Ordered*, That said petition be referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. Hutchinson presented a petition of Lyman A. Spalding, in relation to the surplus waters of the Erie canal, at Lockport.

*Ordered*, That said petition be referred to the committee on claims, when appointed.

By unanimous consent, Mr. Bell presented a petition of John W. Ingalls, collector at Cape Vincent, asking attention to the dangerous and defenceless condition of Cape Vincent, in view of the present aspect of affairs in Canada.

*Ordered*, That said petition be referred to the committee on militia and public defence, when appointed.

On motion of Mr. Hutchinson, the Senate took a recess for half an hour.

## FIFTEEN MINUTES TO ONE O'CLOCK.

The Senate again met.

Messrs Rice and Coddington, a committee from the Assembly, appeared and announced that that body was organized and ready to proceed to business.

Mr. Angel, from the committee to wait on the Assembly and inform that body that the Senate was organized and ready to proceed to business, announced that they had discharged that duty.

Mr. L. L. Doty, the Private Secretary of his Excellency the Governor, appeared in the Senate chamber and presented the Governor's annual message, which was read by the Clerk, as follows :

*To the Senate and Assembly :*

In the presence of events so momentous as those now surrounding us, we can but realize that man's strength is weakness, his wisdom foolishness, and human forecast a mockery. It is most fitting, therefore, that we seek the favor of the great source of all power and knowledge, and implore the counsel of Omniscience in our deliberations. Let us remember that from devastation and bloody strife, God restores the wasted land and evokes peace ; while from a condition of apparent prosperity and mutual faith, He may permit the spirit of discord to enter, and suddenly bring a whole Nation to the verge of humiliation.

In communicating to you the condition of the State, I acknowledge with feelings of the profoundest gratitude the blessings of Almighty God in preserving the public health, in rewarding the labor of the husbandman, in prospering the great industrial and commercial interests, and saving the popular mind from all tendencies to disorder. But beyond our beloved State, truths, the most painful, force themselves upon us. Abroad, those nations whose friendship we have for generations cordially cultivated and desired, whose rights we have scrupulously observed and whose sympathy we had expected, have turned coldly upon us in our trials, and with a perversity that causes more of sorrow than of anger, will not understand the vital questions underlying our difficulties. At home, the year 1861 has been the most eventful in the annals of the American Union and of constitutional freedom. It has just closed on a great nation, torn by Civil War, and threatened in its very existence. The calamitous strife that has marked it has deepened into tragedy, and the present year opens at a period big with interest to ourselves and consequences to our posterity.

Without stopping to consider antecedent facts, we behold a rebellion of extraordinary proportions, menacing the safety of a government, whose common benefits have made us a free and prosperous people, and given us an honored name in every land and on every sea. A vast army alone keeps back this beleaguering tide, saves the national capital, protects the persons of the lawfully chosen Chief Magistrate and his constitutional advisers, and preserves the public archives.

New York has been no idle spectator of the progress of the insurrection. She responded to the first summons to protect the endangered Capital, and to-day one hundred thousand of her brave sons bear aloft the banner of the Union, in and near the rebellious States. From her imperial resources vast supplies have been drawn for the war. Her bankers, and particularly those of the city of New York, with a patriotism and an enlightened confidence, which is a wonder to Europe, and a marvel to ourselves, have furnished a most important element to the Government. She has freely contributed from her public treasury, as well as in the cities and towns, through formally organized action of private citizens, and through the less formal means of individual benevolence. The care of the families of Volunteers has been assumed by municipalities, by villages and by individuals. The cord of brotherhood has been strengthened by our public grief, and this dire calamity has afforded the American people a sad opportunity to vindicate themselves from the calumny of national selfishness. The spirit of universal liberality and fraternal kindness will everywhere be accepted as convincing evidence of the moral integrity of the people in this hour of trial, of unalterable attachment to their institutions, and determination that not one jot or tittle of national rights or dignity or manhood shall be surrendered. The commanding position of this State, never so obvious as in this struggle, renders her voice potential in a great crisis like this. For the time being, you are to give utterance to that voice. I am sure it will be no uncertain one.

During the year the administration of justice and the execution of the laws have been prompt and universal. Our State credit, an index of abiding confidence in the Government, never stood higher than now, and though drawn upon for the war, our finances, as will appear from the exhibit which I now submit for your consideration, are in a satisfactory condition.

There was in the Treasury, on 1st October, 1860.....	\$3,299,587 49
Received from all sources for the fiscal year.....	16,942,977 58

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\$20,242,515 02

Payments .....	17,167,578 17
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Balance on September 30th, 1861.....	\$2,074,941 85
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The debt of the State, on October 1st, 1861, was :

Of General Fund debt.....	\$6,505,654 87
Of Canal Debt .....	28,081,610 25

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Making a total of .....	\$32,587,264 62
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The Stock or Funded Canal Debt outstanding on September 30th, was authorized by the Constitution as follows, viz :

	Principal.	Annual int. of.
Article 7, section 1.....	\$9,739,024 76	\$582,841 48
do 7, do 3.....	13,200,000 00	782,000 00
do 7, do 10.....	642,585 49	84,629 28
do 7, do 12.....	2,500,000 00	150,000 00
	<hr/>	<hr/>
	\$28,081,610 25	\$1,498,970 76

During the last fiscal year, that portion of the Canal Debt recognized by section one, of article seven, of the Constitution, has been reduced by the payment of \$982,974.23 of the principal from the constitutional Sinking



Fund, arising from the canal revenues. It will be further reduced before the 30th of September next by the redemption of two million one hundred thousand dollars of maturing stock from funds applicable to that purpose; leaving due, after that period, a principal of twenty-three million nine hundred and eighty-one thousand six hundred and ten dollars and twenty-five cents, with an annual interest thereon of one million three hundred and eighty-one thousand nine hundred and seventy dollars and seventy-six cents. An average annual reduction, past and prospective, of more than one and a half million of dollars, is thus shown; and it is confidently believed that the stock, amounting to seven million seven hundred and thirty-nine thousand and twenty-four dollars and seventy-six cents, maturing previous to January, 1871, will be met as it falls due from the surplus revenues of the canals set apart by the Constitution for that specific purpose.

Years of taxation and disappointment in relation to the cost and income of the canals, will give to the exhibit presented below more than usual interest. This shows a gain in the Canal revenues of nine hundred and eighty-six thousand and thirty-nine dollars and ninety-one cents, and at the same time a reduction in the expenses of forty thousand one hundred and ninety dollars and sixty-four cents, making a total net gain over the past fiscal year of one million and twenty-six thousand two hundred and thirty dollars and fifty-five cents.

*Revenues :*

From tolls on the Erie canal.....	\$3,020,153 31	
Champlain canal .....	106,561 00	
		<hr/>
		\$3,126,714 31
Oswego canal.....		131,458 38
Cayuga and Seneca canal .....		18,778 32
Chemung canal.....		15,319 04
Crooked Lake canal.....		699 94
Chenango canal .....		23,897 24
Black River canal.....		6,112 73
Genesee Valley canal .....		29,189 60
Oneida Lake canal .....		218 86
Baldwinsville canal .....		22 57
Oneida River-improvement.....		919 63
Seneca River towing path.....		190 38
Cayuga inlet.....		147 97
		<hr/>
Total from Canal tolls.....		\$3,353,168 97
From rent of surplus water.....		4,865 00
From interest on current revenue, &c.....		44,594 33
		<hr/>
		<u>\$3,402,628 30</u>

*Expenses :*

Payments to superintendents for repairs....	\$106,611 51
To contractors for repairs .....	260,995 33
To Canal Commissioners for repairs, &c.....	224,957 28
To collectors for salaries, clerk hire, pay of assistant collectors, inspectors, and ex- pense of collectors' offices .....	62,845 55
To weigh masters .....	8,111 30
For salary of Auditor and clerk hire in Ca- nal Department, salary and extra clerk	

hire of State Engineer, refunding tolls, printing and miscellaneous payments....	<u>\$43,765 17</u>	<u>\$706,786 14</u>
Surplus revenues .....		<u>\$2,695,842 16</u>

The revenues have followed the direction contemplated by the Constitution, which is in order as follows, viz:

1st. To pay the expenses of collection, superintendence and ordinary repairs of Canals, as above.....	\$706,786 14
2d. Transferred to Sinking Fund under article 7, section 1st of the Constitution .....	1,700,000 00
3d. Transferred to Sinking Fund under article 7, section 2 of the Constitution.....	850,000 00
4th. The remaining surplus transferred to the Sinking Fund under article 7, section 3 of the Constitution....	645,842 16
	<u>\$3,402,628 80</u>

## CASH STATEMENT:

Balance in the Treasury and invested on the 30th of Sep- tember, 1860.....	\$2,375,017 76
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*Received, viz:*

For canal tolls, rent of surplus water, interest on revenue, &c.....	\$3,402,628 80	
For proceeds of loans and premiums ....	1,216,888 50	
For proceeds of taxes .....	840,552 28	
For miscellaneous .....	145,188 84	
		<u>5,605,247 92</u>
		<u>\$7,980,265 68</u>

*Paid, viz:*

For redemption of stocks .....	\$2,175,551 23	
For interest on stocks.....	1,505,804 64	
To Canal Commissioners, repair contract- ors, superintendents, collectors, and weighmasters .....	1,626,821 76	
Miscellaneous .....	67,966 80	
		<u>5,375,644 48</u>

Leaving a balance to the credit of the Canal Fund on the 30th of September, 1861, of.....	\$2,604,621 25
Of this balance there was on deposit in banks to the credit of the Treasurer on account of the Canal Fund, \$2,485,845 04	

Of investments held in trust by the Au-  
ditor:

Bank Fund stock.....	87,743 15	
New York State and Canal stock .....	106,880 00	
Of real estate securities:		
Walter Joy's Bank .....	20,354 06	
Bank of Corning .....	8,799 00	
		<u>\$2,604,621 25</u>

Of this balance, the sum of four hundred and eighty-nine thousand five hundred and thirty dollars and twenty-nine cents, was not available, it being the aggregate of the canal deposits in insolvent banks; but, since the first of October, a portion of this amount has been paid into the treasury, and it is estimated that the ultimate loss on deposits in suspended banks will not exceed two hundred thousand dollars. Since the termination of the fiscal year and up to the close of the calendar year, the revenue from canal tolls was one million nine hundred and eighty thousand four hundred and ninety-seven dollars and forty-nine cents, the expenses of collection and repairs about two hundred and nineteen thousand and sixty-two dollars and sixty cents, and the available balance in the treasury and the several deposit banks on the 1st instant, was three million nine hundred and fifty-one thousand four hundred and twenty-seven dollars and forty-seven cents.

By the opening of navigation the enlarged canal will be completed throughout its whole extent. The circumstances of the country are such as to give to this fact its highest importance. To those Boards, Commissions and State officers whose duties have connected them with this work, and with operating the canals, the people owe their thanks, and especially so to the Canal Board and the Auditor of the Canal Department. The completion of this work should lessen the engineering expenses in an important degree. The system of contracting for repairs of the canals is found to materially decrease the yearly expenditure, but the structures become deteriorated, and at the end of no inconsiderable period the State will be obliged to make good the annual depreciation by new structures at large cost. I would therefore recommend that such change in the law, governing the letting of canal repairs, be made as shall require that no sections be let without giving notice by advertisement, and the contractor be required to give ample security that he will leave his section in as good condition as he found it; and further, that every section be inspected by the proper officer when it is surrendered, and any depreciation be enforced against the contractor.

The railroads have seriously diverted business from the canals. The extent of this is most marked in westward bound freight. Of the revenue of three million nine hundred and seven thousand six hundred and seventy-seven dollars, received during the last navigation season, only two hundred and eighty-three thousand two hundred and seventy-two dollars were collected at the cities of New York and Albany, and at West Troy and Waterford, on freight bound westward and northward, while the tolls at Buffalo and Oswego on freight eastward bound were two million seven hundred and five thousand eight hundred and twenty-three dollars, or nearly twelve times more. There can be no question that the carrying of merchandize, which forms the bulk of westward freight, is almost exclusively enjoyed by the railroads. In 1851, before tolls were removed from railroads, there were three hundred and sixty-five thousand tons of merchandize carried on the canals, paying eight hundred and seventy-seven thousand dollars in tolls, while in 1860 there were but two hundred and fifty thousand tons transported, paying only two hundred and twenty-three thousand dollars, or a reduction of nearly seventy-five per cent. This results from no diminution of this class of the carrying traffic, for the annual report of the State Engineer and Surveyor on railroads will show that the business of the railroads has largely increased in the transportation of merchandize. In 1851, the tolls on merchandize formed thirty-five per cent. of the revenues of the canals; in 1860 it was but seven and one-half per cent.

To make the business of the canals depend so exclusively on the products

of the forest and vegetable food, is to assume the largest risks. The carriers of merchandize have an assured business even in seasons of partial crops, of low prices or fluctuating markets, but that means of transit whose business is restricted to transportation in a single direction of coarse staples may, by a contingency, find its traffic reduced below the cost of the service. While our canals will always be large carriers, yet undue competition may divert their legitimate business in desirable traffic to such an extent as to disqualify them from meeting their constitutional demands.

The largely augmented revenue of the canals, while due in a degree to increased tonnage, is principally owing to the enhanced rates of toll. Although much effort was made to reduce the tolls, yet the Canal Board of 1861 wisely retained the schedule of 1860, increasing the rates on some articles. There may be periods when rates unfavorably affect the business of transportation on the canals; it is certain that last year was not one of these, neither do I believe the present year will be. Experience conclusively shows that reductions in toll, although made avowedly to retain to the canals the business which might fall to other modes of transit, result in loss of revenue. It is clear that our true policy lies, not in the direction of striving for employment at unremunerative prices, but in protecting the canals in their legitimate business, and demanding proper tariffs for their use. In what manner this shall be accomplished, I have endeavored to point out in former messages. After presenting these facts, I can most safely leave the important question to you, who have so recently come from the people and know their views.

The General Fund Debt remains unchanged. The principal is six million five hundred and five thousand six hundred and fifty-four dollars and thirty-seven cents. The annual interest thereon is three hundred and sixty-seven thousand eight hundred and twenty-seven dollars and fifty-eight cents, of which three hundred and fifty thousand dollars is chargeable by the Constitution upon the General Fund Debt Sinking Fund; but owing to the temporary inability of the Canal Fund to pay into the treasury, from its surplus revenues, this sum to the Sinking Fund, the interest for four years preceding the last was paid from the General Fund revenue. Last year the increase in the Canal revenue was again sufficient to meet this obligation. To the Legislature of 1861, for the first time in a quarter of a century, the Comptroller was enabled to show a balance to the credit of the General Fund; and the considerate policy, in the main, of the Legislature of last winter in regard to appropriations, enables me to state that a balance of fifty-three thousand seven hundred and fifty dollars and fifty-one cents, stood to the credit of this fund at the close of the fiscal year ending with September last.

The State tax of three and five-sixths of a mill, levied in 1860, has been paid into the public treasury. The net amount was five million three hundred and ninety-seven thousand five hundred and twenty-four dollars and forty-five cents. This sum includes the ordinary levy of a million and sixty-four thousand dollars for schools, and two million seven hundred and fifty-one thousand dollars for the Canal Fund; the remainder is for the support of government. The Legislature authorized a direct tax of four and three-eighths mills for 1861. Of this, three-quarters of a mill was for schools, three-quarters for canals, seven-eighths for general purposes, and two mills for defraying the expenditures under the Act authorizing the embodying and equipment of a volunteer militia, and to provide for the public defence. Anticipating an instalment of forty per cent. from the Federal treasury upon the advances made by the State (which has been received), the Comptroller, to whose discretion the question was left by law, caused the levy for war purposes to be reduced to one and a half

mills. The direct tax for the present year will therefore be three and seven-eighths mills on each dollar of the taxable property of the State.

The defects in the assessment laws are found to be such as to throw more than three-fourths of the burden of taxation upon real estate. This is evidently unjust. The whole property of the State, personal as well as real, should be made to pay its due share of the cost of government. As such is not now the case, the importance of a revision of the statutes relating to assessments is manifest, and especially so at this time, in view of the large prospective taxation to be apportioned by the General Government to this State, required for the expenses of the war, and which is laid only on real estate. Our laws relating to the assessment and collection of taxes were, in the main, enacted nearly a half century ago, when property consisted mostly of lands. The amendments which have been made from time to time have been so imperfectly drawn that, by resorting to expedients, the owners of personal property have been enabled to escape taxation. In some of the States, taxpayers are required to make sworn inventories of their personal property. It remains for you to say whether or not this mode, or some other equally efficient one, shall be adopted in this State. The manifest partiality shown to personal estate should at once engage your attention. The annual report of the State Assessors, presenting their views on this subject, together with tables of valuation and other important exhibits, will be early communicated to you; and to that I refer you for valuable data. From this it will appear that the total valuation of real estate in 1861 is \$1,121,184,480, being an increase of more than \$1,000,000 over the preceding year; while a decrease of nearly \$7,000,000 in valuation of personal property is shown.

In this connection I feel it to be my duty to allude incidentally to the subject of the extension of time for the collection of taxes, and to respectfully refer to my former annual and special messages in relation thereto; time and experience having strengthened and confirmed the opinions therein expressed.

The acts of April 14th, 1860, and April 17th, 1861, in relation to capital punishment should be repealed, with a careful saving as to all offences heretofore committed. If not repealed they should be essentially modified. Questions of the most serious importance have been raised in regard to certain provisions of these Acts. There is evidently a settled purpose in the public mind to divide the crime of murder into two grades, only the most heinous of which to be punished with death. This change has my decided approval, and would, I believe, serve to meet many of the objections to existing laws. A law should be passed containing a new definition of murder in the first degree, confining it to poisoning, killing by lying in wait, and killing where there was a deliberate design to effect death, formed by the accused prior to the meeting between the accused and the deceased on the occasion of the assault that proved fatal. This would exclude all constructive murders and render punishment more certain. Aside from all other serious objections, the definition of murder in the first degree, in the Acts to which I have referred, includes offences involving no more moral guilt than the commission of an assault and battery. I commend the subject to your early consideration.

Last year I fully stated my views respecting the pardoning power, which subsequent observation has served to justify. During the year 1861 there were presented to me four hundred and two applications for pardon; added to this number were ninety-five cases undecided on the first of January last, and forty-seven applications for re-examination, and a total for examination of four hundred and forty-four is thus produced. Of these I have pardoned sixty-six; have denied four hundred and two; have com-

muted fifteen; discharged by court and terms expired forty-one; leaving twenty undecided at the termination of the year, in consequence of incompleteness of papers.

In 1861, I recommended the passage of a law providing for the appointment of a commission to inquire into the system of our prison management, with reference alike to discipline and economical administration. The Legislature, probably for want of time, omitted to take any action on the subject. Finding, in the latter part of the summer, that the duties connected with the raising and equipping of volunteers for the service of the General Government, were such as would prevent me from making my annual visit to the prisons; and in view of the fact that the derangement of the business of the country might ultimately cause, if it had not already produced embarrassment in the prison finances, and also incidentally affect the discipline of the prisons, I deemed it advisable to request the Superintendent of the Albany County Penitentiary, whose long, intimate and successful connection with penal institutions peculiarly qualified him for the duty, to visit the State prisons, to examine into their police and fiscal management, and to report the result of his observations to me in writing. This he has done. I desired him to make suitable inquiries in regard to the alleged severity of punishments inflicted at Sing Sing, and respecting the administration of the affairs of the Lunatic Asylum connected with the prison at Auburn. I also requested him to make such inquiries as would enable him to determine if the recent murder committed at Clinton prison was the result of any want of proper foresight, or of any insufficiency in the rules or discipline of the prison. The result of his examinations, though necessarily only partial, shows the need of a commission of the character above named. As will be seen below, the actual receipts are fully a quarter of a million of dollars less than the expenses of the prisons. This difference is increased of course beyond what it would be in ordinary times, but is due in a great measure to the mode of contracting the labor of convicts. I would not be understood as underrating the ability or faithfulness of the several officers to whose hands are confided the general and local administration of prison affairs. They have exhibited much interest and have put forth active efforts to preserve order and to render the prisons productive; but the disciplinary and fiscal systems are of many years' standing, and every test proves them to be very faulty. It does not appear possible that able-bodied men, of ordinary intelligence, sentenced in every case for at least two years, and occupying quarters valued at more than a million and a half of dollars, should be unable to meet their support. The subject is certainly of a nature to invite the most scrutinizing attention. It is my deliberate opinion that, when the Constitution shall admit of the change, it will be wise to substitute for the three Inspectors of Prisons one Superintendent, to be appointed by the Governor and Senate, leaving to the wardens the duty, under proper regulations, of contracting for the convict labor and of controlling the government and internal management of the respective prisons.

Discipline, and reformation of the convict, are questions of primary importance in our prison system, and should engage the most serious attention. The subject of finances, though but secondary in comparison, is entitled, especially at this time, to the most careful consideration.

The total expenditure for the prisons during the last fiscal year, including forty-four thousand one hundred and seventy-nine dollars for building and permanent repairs, was three hundred and eighty-seven thousand one hundred and forty-three dollars and sixty-five cents. The amount of earnings paid into the State Treasury was but ninety-two thousand nine hundred and thirty-nine dollars and eleven cents. A large sum, however,

remains due from the contractors for convict labor. Should application be made to you, too much caution cannot be exercised in entertaining the subject of releasing contractors. Serious injustice has heretofore resulted to the State from interference with obligations of this character. For details respecting commitments and discharges of prisoners, the special care and management of the prisons, I refer you to the annual report of the Inspectors.

The three prisons have recently been enlarged, and it is expected that no further appropriation for this purpose will soon be required.

It has been suggested that a small percentage of the earnings of convicts be placed to their credit, and paid them on their leaving the prison. There is good reason for believing that future crime would often be prevented, if this were done. Many of the discharged convicts are without friends, and nearly all of them are dependent upon the labor of their own hands for support. Not unfrequently, before procuring employment, or their good resolutions have acquired sufficient strength, their slender means are exhausted, and they choose unfavorably between beggary and theft.

The following is a statement of the number of convicts in the prisons on the 31st of December, viz :

Auburn prison .....	829
Auburn Asylum for Insane convicts .....	79
Sing Sing prison, males .....	1,277
Sing Sing prison, females .....	135
Clinton prison .....	512
Total number .....	<u>2,832</u>

There were in the Asylum for Insane convicts, at Auburn, on the 31st of December, seventy-nine patients. With so limited a number of inmates, requiring a relatively large attendance of officers, the expenses of the institution, even with the strictest economy, will be proportionately large. In this connection, your attention will be called, in the annual report of the Inspectors, to a class of criminal insane, confined in county jails, whose mental condition deserves notice. I recommend you to make suitable provision for removing those of this class most seriously diseased to this Asylum, who, on the application of the district attorney, shall be ordered there by the presiding judge, to be treated at the expense of the respective counties.

The system of higher education in the colleges and academies of the State continues in uninterrupted operation ; and, though the spirit of patriotism, always ardent in the schools, has withdrawn professors and students from the peaceful pursuits of learning to the defence of their country, the number of pupils has not been more reduced than it has often been by financial embarrassment in times of peace. In many of these institutions military companies have been formed, and the students have attained a high degree of perfection in military drill. This is especially true of the State Normal School. Its physical and disciplinary effect has been most salutary—in the former respect even superior to gymnastic exercises. I recommend that works on military tactics be introduced as text-books into these institutions, and that drill be made a part of the exercises. To enforce the observance of these requirements, the income of the Literature Fund should be awarded with reference to the proficiency and attention given to this branch of education.

During 1861, the aggregate attendance upon our common schools was about the same as for the year 1860. The expenditure for school build-

ings and improvements, is in excess of the preceding year. The deportment, health, and future usefulness of the pupils, in preserving and, if need be, in protecting, the institutions and rights of their country, would fully justify me in recommending that male pupils above the age of twelve years be instructed in the elements of military science for a portion of the year in all the schools supported at the public expense, provided it be practicable. It may be so in cities and larger villages; but in country districts its feasibility is doubted. The subject is worthy your attention.

The building for the People's College is yet in progress. Numerous applications from this and other States have been and are still being made for admission. It is expected by the Trustees that all things will be in readiness for opening the institution next autumn.

The Annual Statistical Reports of the Secretary of State on pauperism, and on criminal statistics, will afford you valuable data on those two topics.

The Superintendent of the Banking Department will be able to present a very satisfactory account of his responsible trust. During the fiscal year there was a decrease of about \$1,852,000 in banking capital, which at the close stood at \$109,982,324. The aggregate of the securities held in trust for the free banks was \$80,213,780.59, or an increase of \$18,318; while the aggregate circulation issued to the free banks was \$28,360,482, or a decrease of \$380,934. In addition to this, it appears that \$464,661.32 in bonds and mortgages have been withdrawn, and government and state stocks have been substituted therefor. Since the close of the fiscal year, about one million dollars in securities have been added, and the circulation has been increased between eight and nine hundred thousand. It will appear that six banks suspended during the fiscal year, with an aggregate capital of \$1,464,560. The securities held in trust for their circulating notes were sold by the Superintendent, and all their outstanding circulation, with the exception of that of one bank, is in process of redemption at par. On this, with a circulation of \$51,554, there was a loss to holders of seven per cent.

The Superintendent of the Insurance Department will submit a detailed account of the several insurance companies, located and doing business in this State. From this it will appear that, with a single exception, no failure of Fire, Marine or Life Insurance Companies has occurred during the past year.

The State Engineer and Surveyor will submit to you a report on the condition of the enlargement, and other matters connected with the canals; and also a report on the railroads of the State.

The inspection of salt at the Onondaga Salt Works, during the past year amounted to 7,200,391 bushels. This is in excess of any previous year. A duty on this production, at the rate of one cent per bushel, is payable into the treasury, and forms a portion of the permanent revenue of the General Fund. The expenses of the works, salaries of officers, and the cost of providing supplies of brine to the manufactories for 1861, were about forty-six thousand dollars. In his annual report, the Superintendent will communicate information bearing upon the future of this important interest. I respectfully refer to my last annual message in connection with this subject.

The Superintendent of Weights and Measures has furnished me a carefully prepared statement of the articles and the condition of the public property under his supervision. From this, it appears that all the counties of the State, with the exception of four, have been supplied, through him, with new or corrected standards of superior workmanship. The duties of this office are conducted with commendable economy.



There were landed of alien emigrants at the port of New York, during the past year, sixty-five thousand five hundred and twenty-one, against one hundred and four thousand three hundred for the year 1860. For the first four months of 1861, emigration exceeded the corresponding period of 1860 by several thousands, but during the latter half of the year there has been a large falling off; reducing the aggregate arrivals thirty-seven per cent. below the preceding year, and less than during any year since the organization of the Board of Commissioners. The reduction of income thus occasioned, has induced a rigid economy on the part of the Commissioners, who expect that, without detracting from the usefulness of the commission, they will be able to support the institutions under their charge without assistance, until emigration shall again enable them to meet the ordinary demands upon their income. The report of the Commissioners will be presented to you in due time, and to that I refer you for valuable details.

A floating hospital for the treatment of yellow fever is proven, I think, by the experience of the past three years, to have advantages over fixed quarters. It is found to be not only better for the comfort and well-being of the sick, but safer and more economical. We can, therefore, at least safely postpone the purchase of lands, or the erection of costly edifices, or the employment of an expensive corps of salaried officers, for quarantine purposes, until the political troubles of the country are at an end. The report of the Quarantine Commissioners will present the affairs more in detail; but it is proper that I should call attention to the necessity for a suitable site for a warehouse for infected cargoes, as it is believed that this is the principal source of danger from yellow fever. The cost ought not to be large, as the requisite accommodation would be inconsiderable. The Commissioners will endeavor to impress upon you the necessity of a revision of the Quarantine laws. Authority should be given to sell the grounds lately occupied as a Quarantine station on Staten Island, and, in that case, to provide for a new boarding station at a suitable point elsewhere; to require the proper distribution of the sick, and to provide means therefor; to invest the Health Officer with control over the Floating Hospital; and for the permanent maintenance of anchorage ground for infected vessels in the lower bay during Quarantine season. The office of Physician of the Marine Hospital, which, since the resignation of the incumbent in June last, has been vacant, should be abolished, the salary of five thousand dollars heretofore paid should be saved to the emigrant fund, and the Health Officer be required to perform the few remaining duties free of expense.

The labors and responsibilities of the Metropolitan Police have temporarily been materially increased by the quartering within the district of large numbers of soldiers, and by the passage through and detention in the city of regiments from this and other States. Additional duties were also imposed at the last session of the Legislature. Without display, however, and in a manner to win still more fully the popular confidence, the police have preserved the public peace and faithfully performed the duties assigned them. The annual report of the Commissioners is now in my hands, and will be transmitted to the Legislature without delay. It embraces a large amount of important detail, and contains several recommendations for your consideration. There is an increase of four hundred patrolmen in New York—a number amply sufficient to protect life and property, and to repress any outbreak against the public peace. Statistics are therein given with reference to the sanitary police, and the examination of unsafe buildings and steam-boilers (more than twenty per cent. of which are found defective), and the mode of escape from and ventilation of tenement houses. The importance of frequent and careful examination of ferry boats plying in the harbor of New York, is established by the returns sub-

mitted with the report, which show that during the past year forty-four million six hundred and forty-one thousand eight hundred and ninety-five passengers were carried, with the loss of a single life, that of a fireman, while cleaning his engine. The Commissioners suggest the propriety of imitating European cities, in transferring to the police many duties now discharged by other functionaries, and thereby saving largely in expense while gaining in efficiency. The supervision of weights and measures, custody of the markets, inspection of streets, piers and bulkheads, and enforcement of laws for the government of the harbor, are those specially named. The duty of appointing poll-clerks cannot with propriety remain vested in the Board, but should be transferred to the supervisors of the counties. There are other points which will engage your attention. The standing of our State and country abroad depends, in no inconsiderable degree, upon the good order of the commercial metropolis, and a system of police which has proved itself, under trying circumstances and careful scrutiny, to be equal to the object sought in its establishment, properly claims such legislative aid as experience has proved to be requisite.

The Board of Commissioners of Pilots have continued to satisfactorily discharge the duties devolved upon them by the several acts of the Legislature relating to the preservation of the harbor of New York. In their annual report, they will call your attention to several important subjects connected with the wharves, piers, slips and waters of the harbor of New York.

The number of vessels of all kinds, arriving at the port of New York, in 1861, was fifteen thousand and sixty, exclusive of river craft. To insure the proper care of these, it is necessary that the several harbor masters should be continuously at their posts. Such, however, has not been the fact during the past year, but as there is no law expressly forbidding these officers from absenting themselves, or from employing persons to perform their duties in their absence, there exists no authority for correcting a very obvious wrong upon the commercial public. I therefore renew the following recommendation contained in my last annual message :

"I think some amendments are necessary to chapter seventy-two, of the Laws of 1850, relating to the harbor masters of the port of New York. The defect of the law is found to be in not prohibiting harbor masters from employing assistants to perform their duties and from absenting themselves from their posts; and it is believed that these subordinates, to some extent, exact and receive illegal fees for berthing vessels. Stringent provisions against the employment of assistants under any pretext whatever, and against demanding, receiving, offering or paying gratuities, should be adopted."

The practical operation of the act of April, 1857, reorganizing the Board of Port Wardens, seems to meet with general approval. No change will therefore be necessary. The annual report of the President of the Board shows that 10,844 surveys were made for the year ending with the thirtieth of November.

Marked progress has been made during the past year in developing the Central Park, although the expenditure was but about one-half as much as for 1860. The condition of a portion of the work commenced in the latter year, required its completion in order that it might be saved from damage. The great utility and growing beauty of this grand municipal enterprise has already given it a high value in the estimation, not of New York alone, but of the public at large.

Benevolent institutions are springing up in every part of our State, devoted to specialities. There could be no better evidence of the humane

tendencies of our people than is afforded by this fact. Some of these have been instrumental already in accomplishing much good. I would specially mention the Children's Aid Society, organized in the city of New York, for the purpose of providing homes for vagrant and homeless children.

The managers of the several charitable institutions of the State have reported to me their present condition, with a brief account of the administration of their respective trusts. The New York Institution for the Deaf and dumb, and for the Blind; the Asylum for Idiots at Syracuse; and the Lunatic Asylum at Utica, have each been measurably prosperous, and I am glad to inform you that, with a single exception, they require no special legislation. As the usual annual report will be made to you from each, presenting a statement of its affairs in detail, I respectfully refer you thereto for specific information.

In regard to these and all similar objects, seeking aid from the public treasury, I desire to repeat the following recommendations contained in my message of 1861:

"While the State should be exactly just, and while I should be unwilling to counsel a withdrawal of its patronage from the several charitable institutions which have hitherto enjoyed it, I would suggest the adoption of a more rigid system of accounting and economy with regard to them. The doctrine of strict accountability should apply as well to our charities as to any other interest. I am sure that no valid objections can be urged against this by those to whose hands the interests of these important establishments are committed; since it will afford to the people a satisfactory guaranty that the moneys appropriated to those objects have a proper direction. I would recommend that all applications for aid to State institutions, beyond that for usual and necessary support, should be carefully scrutinized, for it cannot be denied, that while their ordinary affairs have been generally managed with care, large expenditures have sometimes been made for mere ornamentation. If we keep constantly in mind the fact that the taxpayer is charged with the care and support of the poor of his own locality, and, in addition, willingly pays all that is required of him for these general purposes, applications for aid will be more carefully considered; and, by limiting the amount only to actual wants, we may be less liberal, but more just."

The New York State Inebriate Asylum at Binghamton is not yet completed. The report of the officers will afford some interesting detail in respect to the character of applications for admission.

The Society for the Reformation of Juvenile Delinquents, in New York, will also present to you a favorable annual report. Their buildings are completed, and the fullest efficiency of the institution is now being enjoyed.

The Managers of the Western House of Refuge, located at Rochester, will present you their report, showing a very satisfactory condition of affairs at that institution.

The Department of Public Charities and Correction has renewed to me the recommendations I made in my last annual message, to which I respectfully refer, and which I now repeat. The Commissioners very justly call attention to the fact that no provision has been made for the soldier who, after being disqualified, from wounds received in service, has returned to the State, without pension or means of procuring proper medical attendance, and is left to depend upon the charity of the public. Congress ought, at once, to make suitable provision for this class of cases. Near the close of the last session of the Legislature, a bill providing for the more certain and guarded prosecution of vagrancy and other petty offences in police courts in the city of New York, was presented for my signature. Such of its provisions as were indicated by the title were proper and desirable, but

in some other respects it was so objectionable that I was unwilling to give it my approval. It provided that the several claims of the police justices to make their compensation equal to that allowed the city judge, should be liquidated from the revenues and receipts of the court, and be paid to them by the chief clerk of their own court; and further, the incumbents were to be continued in office "until provision shall be made for their successors by appointment or election, as the convention to amend the Constitution shall determine." I was not willing to give validity to an act which permitted a subordinate to receive fees and compensate his superiors, without any check being put upon his acts. Not only was there more than one subject embraced in this bill, while but one was expressed in the title, but it doubled the compensation of the police justices, and made their official term depend upon a future contingency, which, as it might never happen, would give them an unlimited claim to the office.

Agricultural interests have been more than usually prosperous. The products have been abundant throughout the State, and the remunerative rates have given increased business to the various modes of transportation in the direction of markets; at the same time, the articles of human food have been so reasonable that plenty has been within the reach of the humblest laborer. Public policy alone would counsel us to foster this great source of happiness and national wealth.

I have heretofore recommended an enlargement of the powers of boards of supervisors. I believe that the public interest would be materially promoted by widening the scope of their legislative jurisdiction. But, should this be done, I advise that it be coupled with a provision making it necessary, especially in counties where there are cities or large villages, to procure, before they can take effect, the approval of a designated county officer to all acts, ordinances or resolutions levying special taxes, or creating debts. It appears to me that, for several reasons, the county judge would be the proper officer to perform this duty.

I desire to call your attention to the necessity of at least two amendments to existing laws affecting the powers of supervisors and town boards: the one respecting the extension of time for the collection of taxes, when stayed by injunction; the other in relation to providing means for constructing bridges when destroyed by accident, and for the extraordinary repairs of roads. As regards the former, it is shown by experience that the provisions of chapter 488 of the Laws of 1851, should embrace and be made applicable to boards of supervisors in cases relating to the imposition and collection of taxes, and that, after the stay of proceedings is terminated, a period not exceeding the number of days during which such stay or suspension continued, should, after their making proper return, be allowed to collectors. As respects the latter recommendation, it is only necessary for the Legislature to provide for calling a special town-meeting to vote upon the question of levying a tax or making a loan. In addition to this, it would be well to increase, under suitable restrictions, the amount now authorized to be borrowed by boards of supervisors. Each Legislature is obliged to spend much time, at serious disadvantage, in examining these subjects, often at the risk of legalizing debts whose propriety could more readily be determined by the voters or local officers of the districts directly affected, and especially by those persons from whom the moneys are to be drawn. At present, under the plea that the town elections have passed, and no power exists for calling the electors together, or that the sum now authorized to be raised by boards is insufficient to meet the exigency, the Legislature is induced to assume responsibilities which belong to local officers, to whom it should be exclusively confined.

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seventy per cent. of the counties are proportionately, and all are actually, wronged by the present system of paying the cost of transportation of State prison convicts, and the expense of executing writs of requisition, from the State treasury. I have heretofore called special attention to this subject, and now renew the recommendation that the cost be made a county charge. There can be no doubt whatever of the justice of this policy.

A change is obviously necessary in the laws relative to excise so as to ensure their enforcement, especially in regard to licenses. At present, those who pay for licenses practically receive neither privilege or protection therefor.

I consider it unnecessary to repeat at length the views presented by me in former messages, in regard to the following subjects. I desire to say that reflection and observation have only served to confirm the propriety of the recommendations; and I therefore renew them: the conferring of larger discretion upon judges in fixing the terms of sentence of criminals; that aliens actually residing in this State be authorized to acquire, hold and convey real estate at their pleasure; that females convicted of crimes, involving imprisonment for a brief period, should be sent to the penitentiaries instead of the State prison; that a careful attention be given to the subject of public health, especially in the city of New York, and particularly to providing the necessary scientific sanitary supervision; that it be made the special duty of some officer to enforce the law of April 12, 1853, providing for the care and instruction of idle and truant children; that a revision of the laws applicable to breaches of trust in various forms, and to persons acting in fiduciary capacities, has become necessary; that power should be given to the Governor to suspend for misbehavior, during the recess of the Senate, all officers where removal or suspension is not otherwise provided for.

I would earnestly ask your attention to the subject of the modification or enactment of city and village charters. They are generally ill-digested, and, except in special instances, entirely unnecessary. A well considered act or some amendments to the general law of 1847, would be far better calculated to secure the objects sought in village charters, than such as swell the size of our annual session laws. On reference, it will be seen that the subject of city and village charters occupies two-fifths of the space of the last annual volume of laws.

The Constitution has determined that no private or local bill shall embrace more than one subject, and that shall be expressed in its title. There is, evidently, a growing tendency to incorporate inconsistent provisions in local bills. This is clearly contrary to the spirit of the constitutional provisions. I respectfully ask your attention to this subject in making up the annual tax levy of the city of New York, and in other measures affecting the several cities of the State.

By the Act of the sixteenth of February last, the sum of \$50,000 was appropriated for the purpose of furnishing supplies and provisions for the relief of the suffering people of Kansas. The Governor, Comptroller and Secretary of State were constituted a commission to superintend and direct the expenditure of these moneys. A competent agent was employed by them, who, under their direction, at once proceeded to carry out the provisions of the Act. A report on the subject, made by the commissioners, will be found in the last Assembly documents, number one hundred and forty. The sum of thirty-eight thousand seven hundred and fifty-five dollars and seventy-seven cents was drawn from the Treasury, leaving unexpended, of the appropriation, eleven thousand two hundred and forty-four dollars and twenty-three cents.

An event which, in more peaceful times, would have excited the liveliest

interest throughout the continent, has, owing to our deep solicitude about our domestic concerns, attracted scarcely more than a passing attention. I refer to the completion, in October last, of the Pacific telegraph line, connecting the Atlantic coast with the city of San Francisco. An enterprise of such magnitude, can well be classed among the wonders of the present age. Recognizing this as the forerunner of a railroad, uniting, at no distant day, the same points, and thereby securing an important share of Asiatic commerce to our State, we have special reason for gratulation.

I transmit a copy of the certificate of the Secretary of the Interior, apportioning the representation for the thirty-eighth Congress among the several States, in accordance with the provisions of the Act of Congress, approved May 23d, 1850. From this it appears that the State of New York is entitled to thirty-one members in the House of Representatives. It becomes your duty to district the State in conformity with this certificate.

By the Act of Congress of August 5th, 1861, a direct tax of twenty million dollars is laid upon the United States, and apportioned to the States respectively. The proportion of this State is two million six hundred and three thousand nine hundred and eighteen dollars and sixty-six cents. This tax is laid on real estate only. Property belonging to any individual who actually resides thereon, to the value of five hundred dollars, is exempt. The details of the act are quite complex so far as relates to the collection of taxes under it. But it contains a provision that any State may "assume, assess, collect and pay into the treasury of the United States, the direct tax, or its quota thereof, in its own way and manner, by and through its own officers, using a valuation list, made by State authority, and any State giving notice to the Secretary of the Treasury, previous to the second Tuesday of February, shall be entitled, in lieu of all expenses, to a deduction of fifteen per cent. on such portions as have actually been paid into the treasury of the United States on or before the last day of June, and ten per cent. on such parts as shall have actually been paid on or before the last day of September." No assessors or collectors are to be appointed after a State gives notice, and the "quota or direct tax is liable to be paid or satisfied, in whole or in part, by the release of such State advances, duly executed to the United States, of any liquidated and determined claim of such State of equal amount against the United States." I have no hesitation in recommending that the tax be assumed by the State at once; and I submit for your consideration the following mode of liquidating it:

The Act of Congress of July 27, 1861, provides for indemnifying the States for advances to the General Government, and covers all the expenditures incurred in raising volunteers, under the act of the Legislature of this State, of April 16th.

On the first instant, these amounted in the aggregate to.. \$2,873,501 16  
On this, the late Comptroller received from the United

States Treasury.....	1,156,048 50
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Leaving still due from the government, on advances, the sum of.....	1,717,452 66
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This balance, it is assumed, will be allowed at the Treasury Department, and will be credited on account of the direct tax due from this State, which, as before stated, is.....	\$2,603,918
Deduct the 15 per cent .....	390,586



Leaving a net tax of .....	\$2,218,832
Deduct above balance due on advances of State .....	1,717,452

And there is found to be due the United States Treasury ....	\$495,880
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Under chapter 277, Laws of 1861, a direct tax of one and a half mills on the taxable property of the State was levied. This will produce about two million one hundred and forty-one thousand dollars, of which but about five hundred thousand dollars, as appears above, will be required to liquidate the balance of the United States tax. It is to be remembered that this State tax was levied upon personal as well as real property, and that there were no exemptions, such as are provided for in the law of Congress. But, with the privilege of adjusting the debt due to the State for advances, the opportunity for making an important saving on the collection of the Federal tax, providing at the same time for paying a demand which must be met, the Legislature, I think, will find no difficulty in making such disposition of a part of the proceeds of the tax raised under chapter 277, as will accomplish these ends.

The Act also provides for collecting upon the annual income of every person residing in the United States, whether derived from property or from any profession or vocation, carried on in the United States or elsewhere, if such annual income exceeds eight hundred dollars, a tax of three per centum on the amount of such excess of income above eight hundred dollars, and upon the income accruing upon any property or securities owned in the United States by any citizen thereof, residing abroad, a tax of five per centum. A favorable exception in both instances is made on income from treasury notes and other securities of the government. These taxes are to be assessed and collected under regulations prescribed by the Secretary of the Treasury.

This is a novelty in our country. We have heretofore taxed only real and personal property. It is obvious that great inequality would result from an enforcement of this law, in a manner so partial as would be the case now. It is understood that Congress will take measures for modifying its provisions. A question as to the constitutionality of this measure has been raised. It is asked if it does not conflict with the terms of section 2, article 1, United States Constitution, which determines that "representation and taxation shall be apportioned among the several states according to their respective numbers."

In my annual message of 1861, I recommended that the military spirit of the State, which for several years has been gradually declining, should be fostered, and called attention to the fact that it was a part of the established policy of our country to maintain a well regulated militia as a pledge of domestic security, and of safety from external violence. It was obvious that our militia was in no condition, either as respected discipline or equipment, for minute duty. The growing apprehension throughout the country that a collision might occur between the authorities and the insurgents, and especially in view of the fact that our arsenals and armories were lamentably destitute of supplies, induced me on the ninth of January, in transmitting the annual report of the Commissary General, to call special attention to the facts presented therein. Among other things it was shown that the great body of the organized militia of the State was unsupplied with reliable arms. I specially referred to the then existing deficiency in the military stores, which I recommended the Legislature to take early measures to supply, urging that in order to be prepared for any emergency, a suitable appropriation should be made from the Treasury and placed at the discretion of the military department. The favorable terms

and the large market at that time, would have enabled the State to procure the necessary articles at very moderate prices when compared with subsequent ones. The final consideration of this subject, as is known, did not take place in the Assembly, until the 12th day of April, when a bill passed appropriating five hundred thousand dollars, for the purpose of arming the militia of the State, and providing for the public defence. There have been purchased in Europe, under this Act, ten thousand Enfield rifled muskets, of which number about six thousand have been delivered in New York. The Report of the Commissary General will embrace a full detail of the receipts and issues of military stores and the present supply of arms and munitions.

Our Constitution requires that the Militia of this State shall at all times be armed and disciplined, and in readiness for service. To accomplish this, some essential modifications of our present militia laws are obviously necessary. As Congress has the power to provide for organizing, arming and disciplining the militia of the country, the system of this State must have for its foundation the various acts of that body. The defective character of the act of Congress of 1792, presents a serious difficulty in the way of such modifications of our present laws, as experience would dictate. A carefully prepared report, the result of a systematic inquiry and correspondence, with the active military men of the State, made through the Adjutant General, by the Judge Advocate General, will be presented to you. It proposes to retain the main features of the present militia system, to abolish, with two exceptions, the elective system ; to return to the mode of enrolling prescribed by the act of 1792, to require yearly drills, and thus provide a well-trained nucleus in every locality ; to limit the duration of commissions, and to terminate, within a given period, those now in force ; to require candidates for commissions to be examined, and the enactment of a series of articles of war, for the government of troops in the service of the State in time of war, based on those in force in the Army. It recommends other and minor amendments. In modifying our system, it is important to keep in view two facts : the one, that too much is not attempted to be accomplished ; the other, that suitable provision shall be made for the necessary expenses of the men. The act of 1792 erred, undoubtedly, in requiring more than it should of a people whose pursuits are largely agricultural and mechanical. Experience shows that those between the ages of twenty and thirty constitute the class who maintain the militia organizations, and from which has been drawn the great bulk of the volunteers. Upon this class we must principally depend for the efficiency of our future militia establishment. There is an obvious necessity for immediate attention to this subject, and I therefore recommend the early preparation of a bill, which, while conforming to the laws of Congress, shall meet our present and future needs.

Our political troubles, which have so engrossed the attention and employed the resources of the country since the close of the last session, are the fruits of a tree whose seeds were sown a third of a century ago, and, though unobserved by us, its growth has been carefully watched by those whose nurturing hands have given direction to its roots. The attempt to ignore the Federal power in 1832 was an expression of the same sentiment which now animates the leaders of secession ; and time has served to justify the prediction of President Jackson, that, though crushed, the spirit of nullification would revive again under the form of slavery agitation. Slowly, but surely, the process of poisoning the Southern mind has been going forward. History, in its own time, will sit in judgment and review the account : to its record I leave the rise and progress of secession. To those events only which directly involve our duty, shall I refer.

The summer of 1860 was one of peculiar political interest. The manifestations of popular opinion were unusually open and candid. Early in the year political conventions had placed four candidates before the people for the Presidency. Three of these stood unequivocally pledged to uphold the Constitution and maintain the Union. The fourth, while believed by his Northern supporters to be loyal, was, by the more general opinion, regarded as otherwise. Recent events have fully justified the popular suspicion in this respect. The election was on November 6th. The North proceeded calmly and deliberately to the exercise of a right which had been settled at the Revolution and confirmed at every subsequent quadrennial election. The vote was unusually large. The verdict at the polls was emphatic. Of the four million six hundred and fifty-four thousand ballots given, three million eight hundred and fifteen thousand were for unconditional Union. New York, with sixteen others of the thirty-three States, gave her electoral vote for the present incumbent. Aside from the legal obligation, the South, by participating, were bound in honor to accept the result of the election without dissent; but the leaders of disunion, with amazing audacity, made it a pretext for precipitating the catastrophe of attempted secession upon the country. They well knew that the rights of no State had been endangered by the result of the election. Indeed, the successful party had, in all authoritative modes, expressly contended for the right of each State to control its own domestic institutions. More than this, the opposition held a majority in both branches of the National Legislature, and the judiciary, by the Constitution, were a co-ordinate branch of the government and therefore independent of the new administration; besides, the three powers of the government had been, at no period in our history, and, from the nature of things, could never all be held at the same time by either section. The issue of the election gave satisfaction in the city of Charleston, and the result was scarcely made known before the plotters boldly announced their determination to destroy the Union. The leaders would not wait. They dared not. They drove the public assemblies with impetuous haste toward the brink of rebellion. The alleged grievances were but vague generalities. They insulted the national flag at every opportunity; denounced the national government; seized by force and fraud the public property; and repudiated obligations due in loyal States. A firm and clear-sighted Federal Executive would have summarily meted out the penalties of the law to the fomenters of conspiracy and treason. But age and ill-placed confidence had rendered the President timid, and made him blind to obvious facts. Certain members of his Cabinet openly abetted the rebellion, or were guilty of wanton treachery. They used their high positions to strengthen the conspirators and to cripple the army and navy. They had controlled the appointment of diplomatic representatives, placing in important positions those known by them to be inimical to the Government, and secret agents were employed, with their approval, to visit Europe to influence the governing classes there. A legion of evil agencies, some secret, others open, were put to work to demoralize and denationalize the South, a labor rendered practicable by the peculiar character of Southern society. Spurred on by envy and ambition, the leaders toiled like giants. Specious appeals were made to unworthy prejudices. The rankest hostility to Southern interests was imputed to the North. Congress was charged with destroying the commercial equality of the South, and hopes the most extravagant were encouraged. Legislative bodies and conventions of the people were suddenly changed from the object of their convocation; power the most arbitrary was usurped; in a word, the leaders halted at no barrier, and were deterred from no deception, to carry into execution their long concerted

scheme of disrupting the Union. A State which had once defied the law, a State which had borne few of the burdens, had had a large hand in shaping the national policy, which had brought weakness rather than strength, and had enjoyed all of the benefits of the Union, was appropriately chosen to lead the way. On the 29th of December, her Legislature passed a formal act of secession. Next followed, in January, Mississippi, Alabama, Florida, Georgia and Louisiana; Texas in February, Virginia in April, and Arkansas, Tennessee and North Carolina in May, making eleven States in all, and seven before the incoming of the new administration. The people of New York, strong in their loyalty and devotion could not believe that toward a Government so mild and beneficent as ours, the citizens of any State could seriously entertain a disloyal feeling. They thought that when the ebullitions incident to a general election had subsided, the good sense of the people would restore harmony. They knew, as all know, that for eighty years the Government had been true to its constitutional obligations, that the immunities of each State had been sacredly observed, and that all alike had enjoyed the unequalled blessings of a truly republican form of government. But the daily proceedings in the rebellious states were such as to create astonishment and to weaken the faith of the most hopeful. Even the President became alarmed at last. On the eighth of January, 1861, in a special message to Congress, in which was exhibited unwonted firmness, he said the Nation was in the midst of a fearful revolution, and reasserted the noble sentiment of the beloved hero who terminated a war, and distinguished the day in our annals, that "the Union must and shall be preserved." He declared his purpose to use the military power against all who resisted the Federal authorities. The Legislature of this State, in a series of resolves, with but three dissenting voices, "hailed with joy the firm, dignified and patriotic special message of the President," and tendered to him whatever aid in men and money he might require, to enforce the laws and uphold the authority of the Federal Government." Copies of these were sent, through me, to the President and to the Governors of all the States.

On the twenty-fourth of January, I received and transmitted to the Legislature the resolutions adopted four days previously by the General Assembly of Virginia, inviting such States as would "unite with her in an earnest effort to adjust the unhappy controversies, in the spirit in which the Constitution was originally formed and consistently with its principles, so as to afford adequate guaranties to the Slave States for the security of their rights, to appoint commissioners to meet hers, on the fourth of the following month, in Washington, to consider and agree, if practicable, upon some suitable adjustment." Although but eleven days intervened—a period scarcely sufficient even to inform many of the Legislatures in session, and too brief to convene those not in session—I nevertheless, did not feel willing to let this or any opportunity offering a reasonable hope of success, pass without a trial. I accordingly recommended the appointment of five citizens of this State in whose character and patriotism the public would have full confidence, to meet those from Virginia and other States. On February first, the Legislature selected Commissioners. Their reports will be found in the Senate documents of 1861, numbers fifty-nine and sixty.

On the 21st of March, I received from the President an authenticated copy of the joint resolutions adopted by Congress proposing an amendment to the Constitution of the United States, which, when ratified by three-fourths of the State Legislatures, should become a part of that instrument, in the following language: "No amendment shall be made to the Consti-

tution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service, by the laws of said State." Nothing more than the adoption of this amendment could, in justice, have been asked by the South. It should be remembered that this action was taken after the withdrawal of the representatives of States in rebellion, and this fact alone should have more weight in determining the question of security to Southern rights, and the friendly spirit of the North, than all the assertion and calumny that could be uttered. I transmitted a copy of this to both houses, recommending its adoption. The proposed amendment was not passed upon by them, however.

Events rapidly culminated. The newly organized Confederate administration lost no opportunity to add to the excitement, and to urge on the rebellion. The leaders determined that a "blow must be struck," that "blood must be shed," before their government could have a defined existence. Charleston harbor appeared to be the point selected for this bloody inauguration. The masterly occupation of Fort Sumter by Major Anderson, the prolonged preparations of the insurgents for reducing it, and the firing upon the supply-ship *Star of the West*, had fixed the eyes of the country upon that point. The peculiar difficulties of affording supplies by a Government vessel, and the meagre amount of subsistence in store, induced the commanding officer to inform the Governor of South Carolina that unless he received a supply in two days he must surrender the fort. As this was obviously impossible, the evacuation by the Federal forces was inevitable. But it did not suit the designs of the rebels to receive the fort without a resort to violence. Without provocation, a cannonade from eleven batteries and a land and water force of more than eight thousand men, opened upon the devoted little band. It was physically impossible for seventy men to hold out against such odds, and the Federal force, under the guns of the rebels, capitulated on the 13th of April. On the same evening, the news flashed over the vast telegraphic network of the country. Northern blood was stirred. This gratuitous violence and this deliberate insult to the flag, conclusively proved to all that it was the design of the leaders to break up the Government. An immediate reaction took place in the popular mind, completely uniting the people of the loyal States. They deliberately determined to put down the rebellion, and this purpose has been strengthened by time and reflection. The President immediately appointed a special session of Congress to meet on July the fourth. He also issued his proclamation, calling for seventy-five thousand three months militia. Of this force the quota of New York was thirteen thousand men. On the morning of the fifteenth, I communicated this fact to the Assembly, and recommended that a military force sufficiently large to meet the present and prospective demands of the Government, be authorized, and that greater discretionary power be conferred to embody and equip a volunteer militia for the public defence, and to provide the necessary means therefor. A bill for this object, in a few hours, passed through all the forms of law, with but six dissenting voices. In the Senate, its passage was equally prompt and decisive. It empowered the Governor, Lieutenant Governor, Secretary of State, Comptroller, State Engineer and Surveyor and State Treasurer, to accept into the service of the State, in addition to and as a part of its militia, for two years, thirty thousand volunteers. The officers named in the Act immediately met and resolved to raise seventeen regiments of seven hundred and eighty men each. A proclamation was issued by me, calling for this force to serve as Infantry or Riflemen, and to rendezvous at New York, Albany and Elmira. As the Board of officers formed under the Act will make a report, accompanied

by the minutes of its proceedings it will be sufficient for me to say that the spirit aroused by the insult to the flag in Charleston harbor sent a company from every neighborhood, and at the end of a fortnight, and just when the spirit of volunteering was rising, the first quota was filled. Through the efforts of a member of the Board, who visited Washington for that purpose, the Government consented to accept the twenty-one regiments still remaining of the force authorized by the Act referred to. On the 16th of April I ordered the Seventh Militia regiment to Washington, and the unprotected condition of that city determined me to dispatch thither at once all the remaining militia strength immediately available. Marching orders were therefore issued to the Sixth, Twelfth and Seventy-First on the 17th, to the Twenty-Fifth on the 19th, and to the Eighth, Thirteenth, Twenty-Eighth and Sixty-Ninth Militia and the Eleventh volunteers on the 20th. It will be remembered that traveling was obstructed on the 20th by the burning of the railroad bridges between Philadelphia and Baltimore. To what extent this fact interfered with the trains could not be ascertained, as telegraphic communication was cut off almost immediately. I therefore directed the regiments to leave by steamers, by way of the Potomac. The Eleventh volunteers was the only organization raised under the act of April 16th, in any degree ready for service; even that was as yet unorganized, and the election for officers was held on shipboard. It is not improper to say that to the timely arrival of the Militia from this State, must, in a great degree, be ascribed the safety of the Capital and the restoration of security in Washington.

While enlistments were proceeding at a rate altogether unprecedented, the Military Board were employing their energies to supply the necessary clothing and to provide arms. The mercantile class were unprepared for meeting the immediate demands for articles incident to a state of war. So limited was the stock of army cloth in our principal markets, that before any large number of uniforms could be furnished, the wool had to be purchased and the fabric prepared. Through an unfortunate modification of a contract with a respectable firm in the city of New York, for twelve thousand uniforms, a considerable number of suits of very poor quality were delivered to the agents of the State, and before becoming apprized of their inferiority, they were distributed to the troops. The facts respecting this and the terms of settlement with the contractors, will fully appear in the report to which I have referred. It may be proper to add that this circumstance occasioned the greatest vigilance in contracting for and inspecting subsequent supplies of all kinds for our troops.

On the twenty-fourth of April an agent of the State was dispatched to Europe, with a letter of credit for five hundred thousand dollars, and authority to purchase twenty-five thousand stand of arms. On this he obtained and shipped nineteen thousand Enfield muskets, which were delivered in New York at a cost of about three hundred and thirty-five thousand dollars.

By the twenty-fifth of May, the thirty thousand volunteers, authorized by the Act, had been raised, accepted by the Board into the service of the State, and organized into thirty-eight regiments. On the eleventh of June, the respective regimental Field Officers had been elected, and their services accepted, and on the twelfth of July, the last of the thirty-eight regiments had left the State. Thus, in a period of eighty-seven days, a volunteer force of thirty thousand men had been drawn from various parts of the State, organized, fitted for service and dispatched to the seat of war.

There were accepted under authority from the President to a committee of citizens of New York, four Volunteer and four Militia regiments, and according to the best information I have been able to obtain, there were

also two other organizations accepted by the War Department, independently of the State authorities, previous to the first of July. By the middle of that month, there were in the service of the Government from this State, of three months militia, about eight thousand three hundred men ; of three years militia, about three thousand four hundred ; of two years volunteers, thirty thousand ; and of three years volunteers, accepted directly by the War Department, and through the committee of citizens of New York, about five thousand, making an aggregate force of forty-six thousand.

Immediately after the engagement at Bull Run, the President communicated to me his desire that New York should furnish an additional force of twenty-five thousand three year volunteers. I promptly informed him of my readiness to aid the Government to any extent it might require, but stated that the power conferred by the Legislature of New York to raise troops for the war was already exhausted, hence it would be necessary for me to convene the Legislature unless the Government would furnish the money necessary for raising, subsisting and equipping this further quota. The latter course met the President's approval. Proper authority was duly granted by the War Department for this purpose, and directions were given to the agents of the Government at Washington, and on service in this State, to aid me in this work. I therefore, on the 25th of July, issued my proclamation, calling for a volunteer force of twenty-five thousand men, to serve for three years or during the war, to rendezvous, as under the first call, at New York, Albany and Elmira. In framing a general order regulating the acceptances of the officers and men, I deemed the good of the service required that all candidates for commissions should pass an examination as to their fitness for field and company officers. The effect of this was, in a partial degree, to retard enlistments, but to give a greatly improved class of officers to the service. At this time, while there was nothing in the aspect of affairs connected with raising men particularly discouraging, yet, owing to several causes, enlistments were less active than they had been. With a view to stimulate volunteering, and at the same time to obtain the best class of troops, I directed the Adjutant General to authorize branch depots in twenty-two different localities, so separated that they would be unlikely to interfere with each other. The objects were more than accomplished. Not only did the change secure a class of troops which for respectability and intelligence can nowhere be surpassed, but it hastened enlistments. Ten regiments have already been raised at these special camps, and a sufficient number of men in addition to these to form eight more.

On October first the Government authorized an increase of the force from this State to one hundred thousand men. Again, on the sixth of November, this number was enlarged to one hundred and twenty-five thousand.

The Annual Report of the Adjutant General will show that New York has sent into the field, of infantry and riflemen, ninety-nine regiments, of which number, eleven were three months militia ; of cavalry, ten regiments and one battalion ; of artillery, two regiments, two battalions, and nine batteries ; a rocket battalion, and a regiment of engineer officers and soldiers ; or an organized force equivalent to one hundred and fifteen regiments. In addition to this, there are now in the State, of volunteers mustered into the service of the United States, about fourteen thousand five hundred, or sufficient for fifteen regiments more, increasing New York's contribution to one hundred and thirty regiments.

Muster-in rolls and statistics as to numbers are as yet incomplete, but

the accurate returns are not likely to materially vary the following figures relating to the above organisations, namely :

There have left the State in the several regiments, of officers and men .....	99,078
Recruits since added .....	11,000
<b>Total that have entered service beyond limits of State....</b>	<b>106,078</b>
<b>Now in the State, mustered into United States service .. . . .</b>	<b>14,500</b>
<b>Aggregate number of men raised in State .....</b>	<b>120,578</b>

Of those who entered the field there have been—

Killed in battle.....	270
Have died from natural causes.....	350
Made prisoners of war.....	550
Honorably discharged.....	2,700
Discharged by error in United States muster .....	1,500
Discharged by court martial .....	140
Absent without leave and desertions.....	8,300
Unaccounted for .....	900
Discharged by expiration of term of service (8 months militia)	7,384
Now in the field .....	89,034

If there be added to the latter the volunteers now in the State, an available force of 103,807 is shown.

It is estimated that, in addition to the foregoing aggregate, at least twenty-five hundred men have been drawn from this State and mustered into organizations, not enumerated above.

This force is scattered over nine States, in forty-three different brigades, and under twelve Generals of division.

I will not attempt to heighten the importance of the foregoing exhibit by comments. The figures are more emphatic than words.

The New York troops have taken part in every engagement during the war, east of the Alleghanies and south of Washington. They have enriched the soil of six States with their loyal blood. Their bearing has at all times been that of freemen contending for fireside rights. They have never forgotten the dignity and humanity of the citizen and neighbor in the uniform of the soldier. Courage, coolness, and the endurance of veterans, have characterized them in the hour of danger. Of the first to obey the forward call, one of her young commanders was among the earliest to inscribe his name on the bright page of hero-martyrs. Others, of beloved memory, have fallen; some in battle, others by disease; and not a breeze from the South but bears upon it the manly sighs of yet others, those who, because they loved and would defend their country's rights, fill the felon's cell. When the enduring record shall be made up, in all that constitutes the brave soldier, the war for the Union will suffer nothing when compared with the grand struggle which gave us a national existence.

On the 28th of September, the President tendered me the appointment of Major General of Volunteers, under the act of Congress of July 25th, 1861, and subsequently created the State of New York into a military Department, under my command. Finding after a careful examination that there were no constitutional objections to my holding the office, and in view of its practical advantages to the service, I accepted it, although, of course, not intending to receive any of its emoluments.

This summary of facts, connected with meeting the requisitions of the General Government, is respectfully submitted for your information. The



Military Board, the Comptroller, and the chiefs of the several staff departments, will present all necessary details. The Legislature will, I am sure, approve the efforts that have been made to meet the demands of the Government. The exigency has been great, and the means of providing for it and of meeting in all respects the desires of the public, have at times been beyond the ability of those charged with the duties. If a feeling of impatience has been manifested in consequence, while its influence has been somewhat disheartening upon the public servants, it was but an indication of the deep determination of the people to crush a rebellion, which in all future time will be adjudged the most causeless and most wicked that history records.

Under authority granted from the War Department, contracts have been made by me for large supplies of uniforms, under-clothing, shoes, ordnance stores, equipments, rations, and other necessary supplies for and on account of the United States, and free from any pecuniary liability, except on account of the General Government. I submit a form of the contract, of which several hundred have been executed by me. The uniforms with which our troops are supplied, being more satisfactory to them, and, in certain details, more appropriate than those furnished from the Government store-house, I have had the privilege, under authority from the United States, to furnish additional supplies, from time to time, to our troops in the field, so far as practicable, and am glad to say this is a cause of mutual satisfaction to our troops and to the War Department.

Since the last of August, the State has had an agent of much military experience located in the office of the Commissary of Clothing at Washington, through whom our troops were supplied with clothing, and to whom applications for supplies of various kinds could be made. Since the middle of November, the Inspector General of the State has been stationed in that city. His experience in the field, his familiar acquaintance with army officers, and his position on the staff of the Commanding General, have given him peculiar facilities for visiting the camps and inspecting the condition of our regiments and knowing their wants.

It is known to you that the first thirty-eight volunteer regiments were fitted out by the State. Such also was the case with the three months militia. For the remainder of the force, the General Government has furnished, and is to furnish all the means; and supplies have therefore been in accordance with the general regulations of the Army.

I recommend that an appropriation at once be made for supplying certain articles of comfort rendered very desirable, if not necessary, by the advanced season, which are not provided for by the army regulations, and which, while adding to the comfort of the soldier, will promote the efficiency of the service.

It was not till September that the War Department by a general order gave effect to the Act of Congress of July last, with reference to the allotment by volunteers of portions of their pay for the benefit of their families. Finding that the system was not so generally adopted as it deserved to be, I requested one of the Commissioners to examine the accounts of the Treasurer, &c., to visit the regiments in the field for the purpose of bringing the system to their attention and procuring its adoption to as large an extent as possible. He was directed to state to the volunteers that application would be made to the Legislature to authorize the employment of the Treasury of the State as the depository of the funds so allotted. Before he had completed his labors, Congress, by a new act, placed the matter in the hands of Commissioners appointed by the President, who are to serve without compensation. It is, however, desirable that the Treasurer of the State should be promptly authorized to receive

and disburse any portion of their pay that the volunteers may desire. Connected with this, I recommend the adoption of an equitable system of relief to the families of volunteers.

Since the opening of the rebellion I have devoted myself wholly to the duty in hand, and have earnestly endeavored to preserve the high rank of this State in all matters, and while first regarding the comfort, health and efficiency of the soldier, I have not lost sight of the expenditures involved.

No requisition has been made by the government that remains unhonored. Among the very first to respond to the call for the defence of the Capital in April, New York has not only steadily answered every demand since made, but has time after time besought the privilege of adding to her force in the field. Unless the State shall exhibit an unwillingness to respond to the wishes of the General Government, its constituted authorities would seem to be the proper medium through whom alone company and regimental organizations should be accepted.

On the 19th of October, I received a communication from the Department of State, inviting my consideration of the subject of the improvement and perfection of the harbor defences of the sea and lake coasts of this State, and requesting me to submit the matter to the consideration of the Legislature. Reference was made to the fact, that disloyal persons had hastened to foreign countries even before the present insurrection had revealed itself in arms, to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union, and although unsuccessful in their first efforts, it was believed that those agents were still industriously endeavoring to accomplish their purposes by degrees and by indirection, and were seeking to involve our country in controversies with States, with which every interest requires that it shall remain in relations of peace and friendship.

A personal examination, in company with several competent engineers, led me to call the attention of the Legislature of 1860 to the fact, that the approaches to the city of New York by water were not adequately defended, and the opportunities incidentally afforded me during the past year, fully satisfied me of the insufficiency of our lake defences. I therefore immediately assured the Secretary of State that I would aid the Government in providing for the proper protection of our frontiers and harbor approaches in anticipation of the action of the Legislature. I submit herewith a copy of the correspondence. A preliminary report of the Engineer-in-Chief, relating thereto, will be at once transmitted. The subject is one which calls for prompt and effective measures on the part of the Legislature, and I assure you of my cordial co-operation in any plan which will afford entire security to the persons and property of our citizens. I recommend that immediate measures be taken for obtaining from Congress an appropriation sufficient to provide suitable defences at all exposed points; and so that no time shall be lost, I recommend that authority be given to proceed with the work of preliminary survey and to take the proper antecedent steps. In default of the prompt action of the United States authorities, it is manifestly our duty to proceed at once with such portions of the defences as prudence requires, looking to the Government for ultimate reimbursement.

A recent occurrence, which created great solicitude both here and in Europe, and which it was believed by many would lead to hostilities between this country and England, renders it not improper for me to say that no State in the Union has so large an interest as New York in preserving amicable relations, especially with commercial powers. The tonnage and value of vessels owned in the port of New York alone, in 1860, was:

	Tonnage.	Value.
Of sailing vessels .....	1,258,491	\$69,217,005 00
Of steam vessels.....	205,510	28,716,300 00
Total .....	1,464,001	\$95,933,805 00

The annual average of foreign exports from this State is one hundred and eleven million dollars, and the annual average imports from foreign countries into the State are one hundred and ninety-one million five hundred thousand dollars. The aggregate imports and exports of the port of New York for the year 1860 were three hundred and eighty-four million dollars, or a daily average of foreign commerce exceeding one million of dollars in value passing through the Narrows of New York harbor. The business of the ports would be shown more fully by adding to the above the coasting trade, amounting to double, if not to quadruple, these figures, but there is no official data by which this can be shown. Hostilities with either of the great powers of Europe, and most of all with that government which, from consanguinity, language and customs, is most intimately related to us, would be of untold disaster. No mere pretext, no caprice of court or cabinet, no cause whatever, unless it involves national dignity or we are denied a positive right, could justify the representatives of this State in consenting to a war with foreign powers, especially at a period when extraordinary supplies of men and money have been, and will continue to be drawn from us, to overwhelm the insurgents at home. We are now engaged in fighting the battle of constitutional freedom, resolved to restore the rightful authority of the Union throughout its whole extent. We are strong, because we are right. We should not weaken ourselves by taking upon us a war of questionable necessity. Our rank upon the waters, and in the family of nations, has been obtained through no aid from others. It must be maintained, as must be all our interests, by ourselves. Our career is just opening, if we preserve our self-respect and the respect of other nations. Let us give no intended offence, and tamely submit to none. We have confidence in the wisdom of the government, and believe that present and prospective questions affecting this country's relations with foreign powers will receive that consideration which their weighty consequences entitle them to, and that the decisions will be founded on principles of law. Their decisions are ours; and in a just cause New York casts everything into the balance. Above and beyond all questions of property, all questions of present ease and present peace, the man of truly American heart rises to maintain the honor of his flag, and to preserve the dignity and stability of his government.

EDWIN D. MORGAN.

ALBANY, *January 7, 1862.*

On motion of Mr. Robertson, the Senate adjourned.

## WEDNESDAY, JANUARY 8, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Luckey.

The journal of yesterday was read and approved.

The President announced the following appointments:

William Gamble, Assistant Postmaster; Nathaniel Goodwin, Keeper of the Senate chamber; Joseph Garlinghouse, Janitor.

Mr. Hutchinson presented two petitions of inhabitants of Orleans county, for the repeal of chapter 231 of Laws of 1853, in relation to the toll gate on the Albion plankroad, which were read and referred to the committee on roads and bridges, when appointed.

Mr. Woodruff presented a memorial of the mayor, aldermen and commonalty of the city of New York, praying to have the fees for auction duties, in said city, revert back to the city treasury, which was read and referred to the committee on the incorporation of cities and villages, when appointed.

Mr. Truman presented a petition of citizens of Tioga county, for the extension of the Chenango canal, which was read and referred to the committee on canals, when appointed.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes in relation to property exempt from taxation.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Horace Allen.

Mr. Tobey gave notice that he would, at an early day, ask leave to introduce a bill to authorize the incorporated banks of this State to take and hold any stock of the United States, or of the State of New York.

Mr. Hutchinson gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 151 of Laws of 1858, in relation to school district libraries.

Mr. Bailey gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to organize the State Lunatic Asylum for Insane convicts."

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill in relation to county treasurers, and to prevent the private use by them of the public moneys in their charge.

Mr. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to amend the act to incorporate the city of Brooklyn.

Mr. Abbott gave notice that he would, at an early day ask leave to introduce a bill in relation to the payment of interest on canal awards.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill for an act relative to the fire commissioners in the western district of the city of Brooklyn.

Also a bill to authorize the board of supervisors of the county of Kings, to provide for the relief of families of volunteers.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to amend, in some respects, the charter of the village of Geneva, and to confer additional powers upon the board of trustees thereof.

Mr. Hutchinson gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes, in relation to tax on dogs.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to provide for the inspection of steam boilers and engines and their appurtenances, and regulating the use of the same in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on incorporation of cities and villages, when appointed.

Mr. Robertson offered the following resolution:

*Resolved*, That the President of the Senate be authorized to appoint an assistant to the Sergeant-at-Arms, to take charge of the documents and files.

Mr. Angel moved to amend by striking out all after the word "resolved," and inserting in lieu thereof the following:

That Orrin Abbott be and is hereby appointed Second Assistant Sergeant-at-Arms.

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the negative.

Mr. Robertson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Woodruff offered the following preamble and resolutions:

*Whereas*, Lieut. General Winfield Scott, after many years of service in behalf of his country, has deemed it prudent in consequence of his advanced age to retire from the active cares and duties which devolved upon him, in his position as Commander-in-Chief of the Army of the United States; and

*Whereas*, The record of a life so prolific in all the cardinal virtues of heroism, magnanimity, benevolence and patriotism, as so brilliantly portrayed in every act of his official duties, justifies not only the approbation of his country, but merits the adulation of every lover of free government, throughout the civilized world; and

*Whereas*, The State of New York, claiming him as a citizen, fully realizes the obligations under which it is her duty to add her testimony in commendation of a life so faithfully devoted to his country; therefore,

*Resolved*, (if the Assembly concur,) That the State of New York, through her Representatives in Legislature convened, most sincerely regrets the resignation of Lieut. General Winfield Scott from the chief command of the Army of the United States, especially so in the midst of the unholy rebellion which now pervades a portion of our once happy and united country; and while bowing in submission to an act deemed necessary for the prolongation of a well spent life, we offer to him the heartfelt thanks of a grateful people, for his untiring devotion to his country, and our earnest prayers for a speedy restoration to the blessings of health.

*Resolved*, That a committee of three be appointed to have prepared an Album, similar to the one presented to General La Fayette by the city of New York, containing a record of the principal events in the life of Gen. Scott, together with his letter of resignation, the reply of the President, and the addresses and resolutions of numerous bodies consequent thereon; the whole to be suitably embellished and illustrated, and presented to Lieut. General Winfield Scott, as a testimonial from the State of New York; and be it further

*Resolved*, That the sum of        hundred dollars be, and is hereby appropriated to carry out the foregoing resolutions.

*Ordered*, That said resolutions be laid on the table.

Mr. Hutchinson offered the following resolution :

*Resolved*, That there be 1,000 copies of the Governor's message printed for the use of the Governor, and 2,000 copies for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing, when appointed.

On motion of Mr. Robertson, the Senate adjourned.

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## THURSDAY, JANUARY 9, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Smith presented a memorial of the board of supervisors of Kings county, to authorize said county to provide for the relief of the families of volunteers, which was read and referred to the committee on incorporation of cities and villages, when appointed.

Also, a petition of E. B. Spooner, that four papers be appointed to advertise for the city of Brooklyn, which was read and referred to the committee on the judiciary, when appointed.

Also, a petition of certain citizens of Richmond county, for an act to incorporate the Zephyr Hose company, which was read and referred to the committee on internal affairs of towns and counties, when appointed.

Mr. Willard presented a resolution from the board of supervisors of Saratoga county, in relation to the method of auditing accounts of the sheriff, and other county officers, which was read and referred to the committee on the judiciary, when appointed.

Mr. Low presented a memorial of the board of supervisors of Sullivan county, praying that the State assume the collection of its quota of the National tax, which was read and referred to the committee on finance, when appointed.

Mr. Tobey presented a resolution from the board of supervisors of Columbia county, petitioning the Legislature to assume the collection of so much of the direct tax as is imposed by Congress upon the State of New York, which was read and referred to the committee on finance, when appointed.

Also, a memorial from the same, for the passage of a law giving to the town officers of the several towns of said county, the exclusive right to audit accounts against their respective towns, which was read and referred to the committee on internal affairs of towns and counties, when appointed.

Also, a resolution from same board, asking the passage of a law conferring the appointment of keeper of the county poor house upon said board, which was read and referred to the committee on internal affairs of towns and counties, when appointed.

Also, a resolution from the board of supervisors of Dutchess county, asking that the Legislature assume the collection and payment of so much of the National tax as is imposed upon the State of New York, which was read and referred to the committee on finance, when appointed.

Also, a memorial of board of supervisors of Columbia county, in relation to auditing accounts in said county, which was read and referred to the committee on internal affairs of towns and counties, when appointed.

Mr. Low presented a petition of 89 citizens of Orange county, for the incorporation of the Middletown Savings-bank, which was read and referred to the committee on banks, when appointed.

Mr. Richards presented a petition of Isaac V. Baker, for canal damages, which was read and referred to the committee on claims, when appointed.

Mr. Little presented a memorial of the board of supervisors of Clinton county, asking that the Legislature assume the collection and payment of so much of the National tax as is imposed upon the State of New York, which was read and referred to the committee on finance, when appointed.

Also, a memorial of the same board, in relation to the equalization of taxes, which was read and referred to the committee on the judiciary, when appointed.

Mr. Bradley gave notice that he would, at an early day, ask leave to introduce a bill to establish the Metropolitan Cab company, in the city of New York.

Mr. Bradley gave notice that he would, at an early day, ask leave to introduce a bill to regulate the sale of bale hay, in the city of New York.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to regulate concert saloons, in the city of New York.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill to compensate bonafide purchasers of wild lands for improvements made thereon.

Mr. Abbott gave notice that he would, at an early day, ask leave to introduce a bill in relation to attempts to escape by convicts in State prisons.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to authorize the board of supervisors of Monroe county, to correct erroneous assessments for county or State taxes.

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill for the extension of the Chenango canal.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill to incorporate Zephyr Hose Company No. 4, of Port Richmond, Richmond county.

Also, to introduce a bill to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto.

Also, to introduce a bill concerning the public health of the counties of New York, Kings and Richmond, and the waters thereof.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to provide for the incorporation of Fire Insurance companies, passed June 25, 1853."

Also, to introduce a bill to amend an act entitled "An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853, and the act amending the same, passed July 18, 1853."

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to reorganize the State Asylum for Idiots.

Mr. Abbott gave notice that he would, at an early day, ask leave to introduce a bill to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison.

By unanimous consent, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the

incorporation of Fire Insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies, when appointed.

By unanimous consent, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies, when appointed.

In pursuance of previous notice, Mr. Montgomery asked and obtained leave to introduce a bill entitled "An act for the relief of Horace Allen," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims, when appointed.

In pursuance of previous notice, Mr. Abbott asked and obtained leave to introduce a bill entitled "An act to provide for the payment of interest on canal awards," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance, when appointed.

In pursuance of previous notice, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to authorize the incorporated banks of the State to take and hold any stock of the United States, or of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks, when appointed.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of the county of Kings to provide for the relief of the families of volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages, when appointed.

On motion of Mr. Munroe—

*Resolved*, That the President of the Senate be authorized to increase the standing committees on the judiciary, and cities and villages, to five.

On motion of Mr. Ramsey—

*Resolved*, That a committee of three be appointed to revise the rules of the Senate.

Mr. Willard offered the following resolution :

*Resolved*, That the petition and papers and the reports of the Commissioners of the Land Office, and all the documents on which the bill for the relief of Nicholas B. Doe and Gertrude Doe passed the Senate, March 19, 1857, be taken from the files of the Senate and referred to the committee on the judiciary ; also that a respectful message be sent to the Assembly requesting that body to transmit to the Senate the petition and all the papers on file relating to the claim of Nicholas B. Doe and Gertrude Doe, and that they be referred to the committee of the judiciary of the Senate, when received.

Mr. Truman moved to amend by striking out the word " judiciary," and inserting " claims."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly.



On motion of Mr. Abbott—

*Resolved*, That the Senate will go into executive session at 12 o'clock (noon,) on Wednesday of each week, until otherwise ordered.

Mr. Willard offered the following preamble and resolutions:

*Whereas*, The present rebellion has been attended by the captivity of many of our gallant officers and soldiers, while engaged in defending our institutions; and whereas the Government, from motives of public policy, have hitherto abstained from exercising the practice of exchanging prisoners, which usually prevails among nations engaged in public war; and whereas the principles of humanity require all christian nations to mitigate, as far as practicable, the evils incident to a state of hostilities, whether originating in insurrection, or war between separate nations; therefore,

*Resolved*, (if the Assembly concur,) That should the President of the United States find it consistent with the public interest to inaugurate a general system of mutual exchange of prisoners with the persons now in rebellion, under the name of the Confederate States, it would meet the approbation of this Legislature, and the people of this State; and we earnestly hope that the President, with his known sympathy for those who have been captured while imperiling their lives in the cause of their country, and his kind regard for their families and friends, will direct his earliest attention to this subject; and we confidently trust that he will find the claims of humanity not inconsistent with the dictates of justice and policy.

*Resolved*, That his Excellency the Governor, be requested to transmit to his Excellency the President, a copy of the foregoing preamble and resolution.

*Ordered*, That said resolution be laid on the table.

The President presented a communication from the Court of General Sessions of the Peace, of the city of New York, enclosing a presentment by the grand jury in relation to concert saloons in said city, which was laid on the table and ordered printed.

(See Dec. No. 2.)

On motion of Mr. Munroe—

*Resolved*, That the Clerk furnish a copy of the Red Book for 1861, to each Senator who may wish for one.

On motion of Mr. Truman, the Senate adjourned.

FRIDAY, JANUARY 10, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

On motion of Mr. Truman, the Senate adjourned until Monday evening at 7½ o'clock.

MONDAY, JANUARY 13, 1862,

HALF-PAST 7 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Arthur.

The journals of Thursday and Friday, were read and approved.

Mr. Bell presented a petition of Henry Spicer and other supervisors and citizens of Jefferson county, for the passage of an act to amend the Revised Statutes in relation to the tax on dogs, which was read and referred to the committee on the judiciary, when appointed.

Mr. Clark presented resolutions of the board of supervisors of Cortland county, asking the State to assume its share of the National tax, which was read and referred to the committee on finance, when appointed.

Mr. Sanford presented two petitions from citizens of Onondaga county, in relation to rebuilding the bridge across the Oneida river, at Caughdenoy, which were read and referred to the committee on roads and bridges, when appointed.

Mr. Low presented a petition of Wm. Bricury and others, for an act confirming the title of said Bricury to certain lands, and releasing the interest of the State therein, which was read and referred to the committee on the judiciary, when appointed.

Mr. Hardin presented a petition of citizens of Little Falls, for an act to secure the better application of funds to relieve the poor of the town of Little Falls, which was read and referred to the committee on poor laws, when appointed.

The President presented the report of the Auditor of the Canal Department, containing a digest of the claims considered by the Canal Board during the years 1860 and 1861, which was laid on the table and ordered printed.

(See Doc. No. 7.)

Also, the annual report of the Inspectors of State Prisons for 1861, which was laid on the table and ordered printed.

(See Doc. No. 9.)

Also, the report of the Commissioners of the Land Office, relative to New York harbor encroachments, which was laid on the table and ordered printed.

(See Doc. No. 10.)

Mr. Farrar presented the 13th annual report of the Managers of the Western House of Refuge, which was laid on the table and ordered printed.

(See Doc. No. 3.)

Mr. Henderson gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Brooklyn Central and Jamaica railroad company to extend its track from Jamaica to Hempstead.

Mr. Cornell gave notice that he would, at an early day, ask leave to introduce a bill to legalize certain acts of the common council of New York, in relation to raising moneys for the relief of families of volunteers.

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill in relation to insurance companies.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act in relation to the punishment of crimes in certain cases, passed April 11, 1855."

Mr. Sanford gave notice that he would, at an early day, ask leave to introduce a bill to repeal chapter 217 of the Laws of 1860, entitled "An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poorhouse."

Also, a bill to authorize the rebuilding of the bridge across the Oneida river at Caughdenoy.

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to prohibit bank officers from acting as notaries public.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill in relation to School District No. 6, of the town of Yonkers, Westchester county.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to legalize the appointment of Messrs. Grennell, Thompson and Rundell, justices of the peace in the town of Adams, in the county of Jefferson.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill confirming the title of Wm. Bricury to certain lands, and releasing the interest of the State therein.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to secure the better application of funds to relieve the poor of the town of Little Falls, Herkimer county.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to provide for the extension of the Chemung canal from its present termination, at or near the village of Binghamton, to the North Branch canal, at the State line," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on canals, when appointed.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend title 1, part 1, chapter 13 of the Revised Statutes, in relation to property exempt from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act prohibiting bank officers acting as notaries public," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary, when appointed.

By unanimous consent, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the punishment of crimes in certain cases,' passed April 11, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary, when appointed.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to preserve the public peace and order in public places of amusement in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages, when appointed.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on charitable and religious societies, when appointed.

Mr. Pruyn offered the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature will on the twenty-third day of January instant, proceed to the choice of a Superintendent of Public Instruction, to fill the vacancy now existing in that office, and for the full term thereafter ; and also, of a Regent of the University, to fill the vacancy occasioned by the death of Gerrit Y. Lansing.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Truman—

*Resolved*, That the finance committee be increased to five members.

Mr. Farrar offered the following resolution :

*Resolved*, That 250 copies of the 13th annual report of the Managers of the Western House of Refuge, be printed for the use of the Senate, and 1,000 copies for the use of the managers of said institution.

*Ordered*, That said resolution be referred to the committee on public printing, when appointed.

Mr. Robertson offered the following resolution :

*Resolved*, That 1,000 copies of the report of the Inspectors of State Prisons, be printed for the use of the Senate, and 1,000 copies for the use of the Inspectors.

*Ordered*, That said resolution be referred to the committee on public printing, when appointed.

Mr. Hardin offered the following resolution :

*Resolved*, That 1,000 extra copies of the annual report of the Superintendent of the Banking Department, be published for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing, when appointed.

Mr. Low offered the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators and Representatives in Congress, be instructed to vote for the abolition of the franking privilege.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Cornell, the Senate adjourned.

## TUESDAY, JANUARY 14, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Belknap.

The journal of yesterday was read and approved.

The President announced the appointment of the following standing committees of the Senate, for the session of 1862 :

*On Claims*—Truman, Richards, Bradley.

*Finance*—Bell, Angel, Connolly, Murphy, Bailey.

*Judiciary*—Folger, Tobey, Willard, Low, Ganson.

*Canals*—Cook, Hutchinson, Connolly.

*Railroads*—Angel, Sanford, Cornell.

*Charitable and Religious Societies*—Tobey, Hardin, Murphy.

*Internal affairs of Towns and Counties*—Montgomery, Abbott, Freer.

*Prisons*—Bailey, Clark, Woodruff.

*Poor Laws*—Abbott, Young, Little.

*Engrossed Bills*—Montgomery, Pruyn, Angel.

*Indian Affairs*—Sanford, Robertson, Bradley.

*Commerce and Navigation*—Robertson, Truman, Ganson.

*Agriculture*—Richards, Abbott, Young.

*Literature*—Pruyn, Ramsey, Sanford.

*Militia*—Smith, Ramsey, Cornell.

*Roads and Bridges*—Clark, Bailey, Young.

*Grievances*—Henderson, Montgomery, Woodruff.

*Banks*—Munroe, Cook, Henderson.

*Insurance Companies*—Little, Bell, Farrar.

*Privileges and Elections*—Cornell, Cook, Hardin.

*Manufactures*—Young, Munroe, Hutchinson.

*Retrenchment*—Murphy, Robertson, Clark.

*Public Buildings*—Willard, Bailey, Bell.

*Erect. and Divis. of Towns and Counties*—Ramsey, Folger, Connolly.

*Cities and Villages*—Farrar, Hardin, Low, Smith, Freer.

*Public Expenditures*—Bradley, Little, Abbott.

*Expiring Laws*—Woodruff, Tobey, Farrar.

*Medical Societies*—Freer, Smith, Pruyn.

*Public Printing*—Low, Sanford, Richards.

*Manufacture of Salt*—Hutchinson, Folger, Richards.

*Joint Library*—Hardin, Angel, Woodruff.

Mr. Smith presented a memorial from the commissioners under the act for the continuation of Flatbush avenue, in relation to assessments on said Avenue, which was read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Summit, Schoharie co., in relation to a road district in said town, which was read and referred to the committee on roads and bridges.

Mr. Freer presented a memorial of the board of supervisors of Greene county, asking that the State assume its quota of the National tax, which was read and referred to the committee on finance.

Mr. Willard presented a resolution of the board of supervisors of Montgomery county, on the same subject, which was read and referred to the committee on finance.

Mr. Little presented a resolution of the board of supervisors of the county of Essex, against any division of said county. Also, that the State assume its quota of the National tax—which were read and referred to the committee on finance.

Mr. Farrar presented a petition of the board of supervisors of Monroe county, for the repeal or amendment of the license law of this State, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Sanford presented a petition of taxpayers of the town of Hastings, Oswego county, in favor of an act authorising the rebuilding of the bridge across the Oneida river at Caughdenoy, which was read and referred to the committee on roads and bridges.

Mr. Bell presented a petition of Wooster Sherman and twenty-eight other business men of Watertown, Jefferson county, to amend chapter 360 of the Laws of 1859, in relation to notaries public, which was read and referred to the committee on the judiciary.

Mr. Little presented a petition of citizens of Warren county, for the passage of an act to lay out a highway in Hamilton county, and applying the non-resident highway tax on certain tracts, for the construction and repair

of said highway, which was read and referred to the committee on roads and bridges.

Mr. Murphy presented a petition of inhabitants of the town of New Utrecht, Kings county, to incorporate the Bay Ridge Fire company, in said town, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Hutchinson presented a petition of Andrew J. Rowley, of Orleans county, for canal damages, which was read and referred to the committee on claims.

Also, of Amos Kelsey, of same county, on same subject, which was read and referred to the committee on claims.

A message from the Assembly was received and read, in the words following, to wit:

*Resolved*, That a message be sent to the Senate, respectfully requesting that body to transmit to this House the petition of Wm. H. Aspinwall and others, in relation to ferries between Staten Island and New York, and that when it be received it be referred to the committee on commerce and navigation.

*Ordered*, That the Clerk transmit said papers to the Assembly.

Also, a further message from the Assembly, in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Senate, requesting that body to transmit to this House the papers on file relating to the claim of Francis McFarlin and others, and that when received they be referred to the committee on the judiciary.

*Ordered*, That the Clerk transmit said papers to the Assembly.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill in relation to the dividends of Life Insurance companies.

Mr. Angel gave notice that he would, at an early day, ask leave to introduce a bill to amend the 53d section of the Code of Procedure, entitled "Of Courts of Justices of the Peace."

Mr. Young gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the village of Dunkirk.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to amend the general manufacturing law of 1848.

Also, a bill in relation to plank roads and turnpike road companies.

Also, a bill in relation to the trial of criminal cases in the Court of Sessions of Monroe county.

Also, a bill to limit the duration of the sessions of the board of supervisors of Monroe county.

Mr. Munroe gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 436 of the Laws of 1860, entitled "An act relative to the Harbor Masters of the Port of New York, and defining their powers and duties, and for the better protection of the harbor of New York city."

Mr. Freer gave notice that he would, at an early day, ask leave to introduce a bill in relation to the punishment of crimes and concerning prisoners confined in State Prisons.

Mr. Willard gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act authorizing notaries public of the State of New York to perform the duties of commissioners of deeds."

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to amend the Laws in relation to the foreclosure of mortgages by Loan Commissioners.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill to confirm and legalize certain acts of the common council of the city of New York.

Also, a bill to release the interest of the State in certain land lying outside of high water mark, in Kings county.

Also, a bill to repeal an act in relation to conveyances and devises of personal and real estate for religious purposes, passed April 9, 1855.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill relating to section 37, article 2, title 2, chapter 1 of the 8d part of the Revised Statutes, and to the jurisdiction of the Supreme Court.

Also, a bill supplementary to the act to provide for the continuation of Flatbush avenue from the city line of Brooklyn into the town of Flatbush, passed April 17, 1854.

Also, a bill to amend the act to reorganise and regulate the common schools and the board of education in the city of Brooklyn, passed April 4, 1850.

Mr. Bailey gave notice that he would, at an early day, ask leave to introduce a bill to amend an act to provide for the rebuilding the locks on the Oneida Lake canal.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums.

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to authorize and empower Paul Bressen to hold and convey real estate.

By unanimous consent, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act in relation to the dividends of Life Insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Abbott asked and obtained leave to introduce a bill entitled "An act in relation to attempts to escape by convicts in State Prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Abbott asked and obtained leave to introduce a bill entitled "An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to incorporate the Metropolitan Cab

company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act authorizing notaries public of the State of New York to perform the duties now performed by commissioners of deeds,' passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to School District No. 6, in the town of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to incorporate the Zephyr Hose company No. 4, of Port Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the better regulation of Firemen in the city of Brooklyn,' passed Feb'y 17, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to release the interest of the State in lands acquired by escheat to Solomon Myers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act concerning the public health of the counties of New York, Kings and Richmond, and the waters thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Bailey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum for Insane Convicts,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

In pursuance of previous notice, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes," which was read the first time, and by unanimous consent was also read the



second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes,' passed February 17, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

In pursuance of previous notice, Mr. Low asked and obtained leave to introduce a bill entitled "An act confirming the title of William Bricury to certain lands, and releasing the interest of the State therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Clerk announced the following appointments:

*Journal Clerk*—Charles G. Fairman.

*Deputy Clerks*—Wm. Hotchkiss, H. B. Ensworth, Geo. W. Fay.

*Librarian*—Herman Rulison.

*Bank and Clerk's Messenger*—Charles A. Garlinghouse.

*Messenger to the Librarian*—Asher P. Cole.

On motion of Mr. Ramsey, the Senate adjourned.

## WEDNESDAY, JANUARY 15, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Arthur.

The journal of yesterday was read and approved.

Mr. Hutchinson presented a preamble and resolution of the board of supervisors of Genesee county, asking that the State assume its quota of the National tax, which was read and referred to the committee on finance.

Mr. Hardin presented a memorial of the board of supervisors of Herkimer county, for an amendment of the Statute in relation to taxation; also, that the State assume its quota of the National tax, which was read and referred to the committee on finance.

Mr. Sanford presented three petitions of citizens of Oswego county, in relation to the rebuilding of the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Folger moved that the committee on the judiciary be discharged from the further consideration of the petition of Patrick Colwell for relief for damages by the fall of the State Arsenal, in the city of New York, and that the same be referred to the committee on claims.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the board of supervisors of the county of Kings to provide for the relief of the families of volunteers," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Abbott, from the committee on poor laws, to which was referred the bill entitled "An act to secure the better application of funds to relieve the poor of the town of Little Falls, Herkimer county," reported in favor

of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Managers of the Western House of Refuge, reported in favor of the adoption of the following resolution :

*Resolved*, That 250 copies of the 13th annual report of the Managers of the Western House of Refuge, be printed for the use of the Senate, and 500 copies for the use of the managers of said institution.

Mr. Farrar moved to amend by striking out the words "five hundred," and inserting in lieu thereof the words "one thousand."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Superintendent of the Banking Department, reported in favor of the adoption of the following resolution :

*Resolved*, That 500 extra copies of the annual report of the Superintendent of the Banking Department, be printed for the use of the Senate.

Mr. Truman moved to amend by striking out the words "five hundred," and inserting in lieu thereof the words "two hundred and fifty."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Inspectors of State Prisons, reported in favor of the adoption of the following resolution :

*Resolved*, That 500 copies of the report of the Inspectors of State Prisons be printed for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to make the village of Summit Four Corners, a separate road district, passed June 4, 1858."

Also, a bill to amend the Code of Procedure.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the New York Ladies' Educational Union.

Mr. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to amend the Code of Procedure.

Mr. Abbott gave notice that he would, at an early day, ask leave to introduce a bill to increase the duties and compensation of the physicians respectively of the Auburn, Sing Sing and Clinton prison.

Mr. Little gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 360 of the Laws of 1849, entitled "An act authorizing notaries public of the State of New York to perform the duties now performed by commissioners of deeds, and to confirm the acts of notaries public."

Mr. Bradley gave notice that he would, at an early day, ask leave to introduce a bill to incorporate a Bank for savings, in the vicinity of Union Square, New York city.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to amend the Code of Procedure.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to amend the Code of Procedure.

In pursuance of previous notice, Mr. Young asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to further amend the charter of the village of Dunkirk, and for other purposes,' passed February 16, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to release the interest of the State in certain land lying outside of high water mark, in Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act entitled 'An act to repeal an act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Willard asked and obtained leave to introduce a bill entitled "An act in relation to the auditing of accounts of ministerial officers, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Willard asked and obtained leave to introduce a bill entitled "An act for the better protection of sheep," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act confirming the acts of the town board of the town of Adams, county of Jefferson, in their appointing Graham G. Grennell, Hiram S. Thompson, and Orrin H. Rundell as justices of the peace of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act supplementary to an act entitled 'An act to provide for the continuation of Flatbush avenue from the city of Brooklyn into the town of Flatbush,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reorganize and regulate the common schools, and the board of education, in the city of Brooklyn,' passed April 4, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act relating to section 87, of article 2, chapter 1, of the 3d part of the Revised Statutes, and to the jurisdiction of the

Supreme Court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Bailey asked and obtained leave to introduce a bill entitled "An act to amend an act to provide for the rebuilding the locks on the Oneida Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Freer asked and obtained leave to introduce a bill entitled "An act in relation to the punishment of crimes, and concerning prisoners confined in State prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act in respect to the trial of criminal cases in the Court of Sessions, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Angel—

*Resolved*, That Orrin Abbott be, and he is hereby appointed assistant to the Sergeant-at-Arms.

Mr. Folger offered the following resolution :

*Resolved*, That the standing committee on the judiciary be, and is hereby authorized to employ a clerk.

Mr. Hutchinson moved to amend by adding the words, "his compensation to be fixed at one dollar and fifty cents a day for each day of actual service, to be paid on certificate of the chairman of the committee."

Mr. Folger moved to amend the amendment by striking out "one dollar and fifty cents," and inserting in lieu thereof the words "three dollars."

Pending the question on the motion of Mr. Folger—the hour of 12 o'clock having arrived—the President announced that the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate resumed the consideration of the question pending at the hour of going into executive session.

The President put the question whether the Senate would agree to said motion of Mr. Folger to amend the motion of Mr. Hutchinson, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said amendment of Mr. Hutchinson, as amended, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

On motion of Mr. Connolly—

*Resolved*, That a select committee of five be appointed to report a bill apportioning the State into Congressional districts, under the census of 1860.

On motion of Mr. Low—

*Resolved*, That the committee on cities and villages be authorized to employ a clerk, at a salary of three dollars per day, for each day of actual service.

On motion of Mr. Munroe—

*Resolved*, That the Clerk of the Senate be directed to purchase four copies of the Session Laws of 1854.

The President announced as the select committee to revise the rules of the Senate—Messrs. Ramsey, Bell and Connolly.

Mr. Willard called for the consideration of the following preamble and resolution :

*Whereas*, The present rebellion has been attended by the captivity of many of our gallant officers and soldiers, while engaged in defending our institutions ; and whereas the Government, from motives of public policy, have hitherto abstained from exercising the practice of exchanging prisoners, which usually prevails among nations engaged in public war ; and whereas the principles of humanity require all christian nations to mitigate, as far as practicable, the evils incident to a state of hostilities, whether originating in insurrection, or war between separate nations ; therefore,

*Resolved*, (if the Assembly concur,) That should the President of the United States find it consistent with the public interest to inaugurate a general system of mutual exchange of prisoners with the persons now in rebellion, under the name of the Confederate States, it would meet the approbation of this Legislature, and the people of this State ; and we earnestly hope that the President, with his known sympathy for those who have been captured while imperiling their lives in the cause of their country, and his kind regard for their families and friends, will direct his earliest attention to this subject ; and we confidently trust that he will find the claims of humanity not inconsistent with the dictates of justice and policy.

*Resolved*, That his Excellency the Governor, be requested to transmit to his Excellency the President, a copy of the foregoing preamble and resolution.

The President put the question whether the Senate would agree to said preamble and resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said preamble and resolution to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence the following resolution :

*Resolved*, (if the Senate concur,) That our Senators in Congress be instructed, and that our Representatives in Congress be requested to vote for the bill now before that body for the abolition of the franking power, believing that this system has for years been a great source of expense to the people, and an unjust and unnecessary burthen which ought not longer to be borne.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Hutchinson, the Senate adjourned.

THURSDAY, JANUARY 16, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Belknap.

The journal of yesterday was read and approved.

The President announced the following appointment of pages :

*President's Messenger*—Thomas Fogarty.

*Sergeant-at-Arms' Messenger*—Oscar McMurray, for first half of the session ; John Brown, for the last half of the session.

*Postoffice Messenger*—Bently P. Murray, for first half of the session ; William Storey, for the last half of the session.

*Pages for the first half of the session*—Louis G. Brown, Albany ; Ed-

win Van Dewerker, Fishkill Landing; James M. Winnie, Albany; Frank H. Marvin, Albany; Sylvanus C. Curran, Albany.

*Pages for the last half of the session*—Edward Smith, Albany; Chas. Kemp, Albany; Thos. W. Kellett, Albany; Christopher Dunn, Albany; John M. Carroll, Albany.

Mr. Pruyn presented a petition of Ebenezer Murdock, for an award for canal damages, which was read and referred to the committee on claims.

Mr. Bailey presented a petition of fifty-three citizens of the town of Verona, Oneida county, in reference to the rebuilding of the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Willard presented a petition of James M. Marvin and other citizens of the county of Saratoga, for the better protection of sheep, which was read and referred to the committee on the judiciary.

Mr. Hardin presented a petition of C. D. Adams, of Lowville, for an amendment of the Code of Procedure, which was read and referred to the committee on the judiciary.

Mr. Smith presented a petition of James Hay, relative to the estate of John G. Leake, deceased.

Mr. Smith moved that said petition be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Wooster Sherman and others, for an amendment of chapter 360 of the Laws of 1859, reported by bill, entitled "An act to amend certain sections of the Revised Statutes and to increase the powers of notaries public, and to fix their fees and confirm their acts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act relating to section 87, article 2, title 2, chapter 1, part 3d of the Revised Statutes, and to the jurisdiction of the Supreme Court," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of William Bircury and others, for a release of the interest of the State in certain land, reported by bill entitled "An act to release the interest of the people of the State of New York in certain land to William Bircury," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes as to property exempt from taxation," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to prohibit bank officers from acting as notaries public," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Bell, from the committee on finance, to which was referred the resolution of the board of supervisors of the county of Essex, "against any division of the county, and that the State collect the tax levied by the United States Government," reported, and asked to be discharged from the further consideration of so much of the resolution as relates to the division of the county of Essex, and that the same be referred to the committee on the

erection and division of towns and counties, which report was agreed to and said petition so referred.

Mr. Bell, from the committee on finance, to which was referred the memorial of the board of supervisors of Herkimer county, "for an amendment of the statutes as to taxation; and that this State assume the collection of the tax imposed by Congress for the prosecution of the war," reported, and asked that the committee be discharged from the further consideration of that part of the memorial which relates to an amendment of the statutes as to taxation, and that the same be referred to the committee on the judiciary, which report was agreed to and said petition so referred.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Zephyr Hose Company No. 4, of Port Richmond," reported the same to the Senate, with an amendment, and recommended its passage, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the select committee to revise the rules of the Senate, reported back the rules of the last Senate, with amendments.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

(See Doc. No. 8.)

A message from the Assembly in reply to the resolution calling for the papers in relation to the claim of Nicholas B. Doe, was received and read, in the words following, to wit:

ASSEMBLY CHAMBER, Jan. 16, 1862.

In answer to the foregoing resolution, the Clerk of the Assembly begs leave to say, that on the 23d of January, 1861, a message was sent to the Senate requesting the transmission of the papers called for in said resolution, in reply to which the following communication was received:

SENATE CHAMBER, Jan. 26, 1861.

In answer to the foregoing resolution, the Clerk of the Senate begs leave to say that the papers are not in his possession; that under a resolution of the Senate, adopted April 2, 1860, they were transmitted to the Commissioners of the Land Office, and have not been returned.

(See Assembly Journal, 1861, p. 174.)

Very respectfully,

J. B. CUSHMAN, Clerk.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill relative to the extension of Lexington avenue to its intersection with Harlem river, in the city of New York.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to reduce the capital stock of the "East Chester Quarry company."

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act to legalize certain ordinances of the corporation of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave

to introduce a bill entitled "An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to prevent supervisors from holding county offices and taking certain contracts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Little asked and obtained leave to introduce a bill entitled "An act to amend chapter 860 of the Laws of 1859, entitled 'An act authorizing notaries public of the State of New York to perform the duties now performed by commissioners of deeds, and to confirm the acts of notaries public,' " which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to give parties a new trial in the County Court in all cases on appeal from the courts of justices of the peace, when the judgment exceeds twenty-five dollars," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to amend the eleventh section of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Low asked and obtained leave to introduce a bill entitled "An act to incorporate the Middletown Savings bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend section one hundred and thirty-two of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bell offered the following preamble and resolution :

*Whereas*, by the act of Congress entitled "An act to provide for increased revenue from imports to pay interest on the public debt, and for other purposes, passed August 5, 1861," a direct tax of twenty million of dollars is annually to be levied upon the taxable property of the United States.

*And whereas*, said act provides a mode of commutation by which any State, upon giving notice through its proper officer to the Secretary of the



Treasury of the United States, on or before the second Tuesday of February, in each year, of its intention to assume and pay, or to assess, collect and pay into the Treasury of the United States the direct tax imposed by said act, may, in its own way and through its own officers, assess and collect the same; and any State assuming to assess, collect and pay, shall be entitled to a deduction of fifteen per cent. on the quota of direct tax apportioned to such State, provided said tax be so paid on or before the last day of June; or of ten per cent. if paid before the last day of September:

*And whereas*, the quota of said direct tax to be assessed, collected and paid by the State of New York, is \$2,603,918, which if assumed as above provided, would reduce the sum \$390,586, leaving the sum of \$2,213,332, to be paid by said State; therefore,

*Resolved*, (if the Assembly concur,) That his Excellency the Governor of the State of New York be, and is hereby authorized to forthwith notify the Secretary of the Treasury of the United States that this State will assume and pay its quota of said direct tax on or before the last day of June next.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Angel—

*Resolved*, That a respectful message be sent to the Honorable the Assembly requesting that body to transmit to the Senate the papers on its files relative to the petition of John Byrns and Henry D. Lyman for relief as sureties of William Rumble, and that when received the same be referred to the committee on claims.

On motion of Mr. Smith—

*Resolved*, That a respectful message be sent to the Assembly requesting that body to transmit to the Senate the papers on file relating to the claim of James Hay, and that when received the same be referred to the committee on finance.

Mr. Abbott offered the following resolution:

*Resolved*, That the committee on the internal affairs of towns and counties is hereby authorized to employ a clerk; and that the compensation of said clerk be \$3.00 per day for each day of actual service.

Mr. Truman moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

Mr. Truman moved to amend by striking out all after the word "resolved," and inserting the following:

"That the committee on internal affairs of towns and counties be empowered to employ a clerk, and that all clerks of committees when not employed on or by their respective committees, be subject to the call of the other committees of the Senate."

Mr. Hutchinson moved further to amend by adding the following:

"That the per diem allowance of said clerk be limited to two dollars per day of actual service, to be certified by the chairman of said committee."

The President put the question whether the Senate would agree to said motion of Mr. Hutchinson, and it was decided in the negative.

The question being on the motion of Mr. Truman to amend, Mr. Bailey called for a division of the question.

The President put the question whether the Senate would agree to so much of said motion as relates to a clerk for the committee on internal affairs of towns and counties, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Murphy	Smith	
Angel	Cook	Hardin	Pruyn	Tobey	
Bell	Cornell	Little	Richards	Willard	
Bradley	Farrar	Montgomery	Robertson	Woodruff	
Clark	Folger	Munroe	Sanford	Young	25

## FOR THE NEGATIVE.

Bailey	Henderson	Hutchinson	Truman		4
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The President put the question whether the Senate would agree to so much of the amendment as relates to clerks serving on other committees, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Henderson	Munroe	Truman	
Angel	Cook	Hutchinson	Pruyn	Willard	
Bailey	Cornell	Little	Richards	Woodruff	
Bell	Farrar	Low	Sanford	Young	
Clark	Hardin	Montgomery	Smith		24

## FOR THE NEGATIVE.

Bradley	Freer	Murphy	Robertson	Tobey	6
Folger					

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Messrs. Banks, Pringle, Ogden, Alvord and Rice, a committee from the Assembly, appeared and announced that they were appointed to communicate to the Senate the death of Hon. John Vanderzee, a member elect of the Assembly, and to present the following communication from that body :

IN ASSEMBLY, ALBANY, *January 10, 1862.*

On motion of Mr. Banks—

*Resolved*, That the members of this House have heard with sincere sorrow of the death of Hon. John Vanderzee, a member elect of this House from the first Assembly district of Albany county, and sincerely sympathize with his family and friends in the afflictive bereavement.

*Resolved*, That a committee of two members be appointed to inform the Senate of the death of Hon. John Vanderzee, and that the Speaker of this House be requested to transmit a copy of these resolutions to the family of the deceased.

*Resolved*, That as a mark of respect the House do now adjourn.

Mr. Pruyn moved that the Senate concur in said resolutions, and that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The President then declared the Senate adjourned.

## FRIDAY, JANUARY 17, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Calder.

The journal of yesterday was read and approved.

The President announced as the select committee of five to report a bill apportioning the State into Congressional districts, under the census of 1860: Messrs. Connolly, Ramsey, Ganson, Bell and Truman.

Mr. Hutchinson presented a petition of Lewis M. Loss, for payment for extra labor performed upon repair of section No. 12, of the Erie canal.

Mr. Hutchinson moved that said petition be referred to the committee on canals.

Mr. Truman moved to amend by striking out the word "canals," and inserting in lieu thereof the word "claims."

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative.

Mr. Hutchinson moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the negative.

Said petition was then referred to the committee on claims.

Mr. Pruyn presented a petition of Squire Whipple, for redress in the matter of his claim on account of patent bridges, which was read and referred to the committee on claims.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to further amend the charter of the village of Dunkirk, and for other purposes,' passed February 16, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act supplementary to an act entitled 'An act provide for the continuation of Flatbush avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the auditing of accounts of ministerial officers, in certain cases," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in respect to the trial of criminal cases in the Court of Sessions of Monroe county," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to pro-

vide for the incorporation of Fire Insurance companies,' passed June 25, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on State prisons, to which was referred the bill entitled "An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the Governor's annual message, reported in favor of the adoption of the following resolution:

*Resolved*, That there be 1,000 copies of the Governor's message printed for the use of the Governor, and 2,000 copies for the use of the Senate.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

A message from the Assembly was received and read, in the words following, to wit:

IN ASSEMBLY, ALBANY, Jan. 16, 1862.

Mr. Hulburd, from the committee on ways and means, to which was referred the petitions of sundry boards of supervisors, praying for the assumption by this State of its quota of the Federal tax imposed August 5, 1861, reported favorably thereon, with the following resolution:

*Resolved*, (the Senate concurring,) That it is, and is hereby declared to be the intention of the State of New York to assume and pay, according to the provisions of the act hereinafter mentioned, into the Treasury of the United States, its quota of the direct tax imposed by the act of Congress, entitled "An act to provide increased revenue from imposts to pay interest on the public debt, and for other purposes," approved August 5, 1861; and that the Comptroller of this State be, and is hereby authorized and requested to give notice of such intention to the Secretary of the Treasury of the United States.

The report was agreed to and the resolution adopted.

By order,

J. B. CUSHMAN, Clerk.

*Ordered*, That said resolution be laid on the table.

The Assembly sent for concurrence the following resolutions:

*Resolved*, (if the Senate concur,) That our Senators in Congress are instructed, and our Representatives requested to obtain, if practicable, and at an early day, an appropriation by Congress for proper defences to the approaches to the city of New York, from the sea, and for the proper defences along the western and northern frontier of the State and upon the lakes; and also that they procure an act to be passed for the reimbursement to the State of any money which the State, under the recommendation of the Federal Executive, may apply to those purposes from its own funds.

*Resolved*, (if the Senate concur,) That his Excellency the Governor be requested to transmit copies of the foregoing resolution to Senators and Representatives in Congress from this State.

*Ordered*, That said resolution be laid on the table.

Mr. Farrar gave notice that he would, at an early day, ask leave to intro-

duce a bill to refund to the city of Rochester certain moneys expended by said city in the support and equipment of volunteers, which were afterwards mustered into service.

Mr. Truman gave notice that he would, at an early day, ask leave to introduce a bill for the amendment of the usury laws.

Mr. Sanford gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the American Missionary Association.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to authorize and direct the supervisors of the county of Putnam to raise certain moneys.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Watervliet Turnpike company to construct and maintain a horse railroad on their present road, and to extend the same into and through the villages of West Troy and Cohoes, and the town of Watervliet, and the city of Albany, to increase the capital stock and to alter their corporate name.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to amend section 116 of the Code of Procedure.

Mr. Clark gave notice that he would, at an early day, ask leave to introduce a bill to amend the act incorporating the village of Bainbridge, in the county of Chenango.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to authorize the raising by tax, funds used to support the families of volunteers, in Herkimer county.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes relative to unauthorized banking," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to appoint commissioners for laying out that portion of the city and county of New York lying north of one hundred and fifty-fifth street; and to change the plan of streets and avenues in that part of the city lying between one hundred and twenty-fifth and one hundred and forty-first street, east of the Tenth avenue and west of a line fifty feet east of the old King's Bridge road, and running parallel with said road,' passed April 7, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Abbott asked and obtained leave to introduce a bill entitled "An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing, and other prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act in relation to county treasurers," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Robertson offered the following resolution :

*Resolved*, That there be printed 1,000 copies of the report of the Inspectors of State Prisons, for the use of the Inspectors.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Bell called for the consideration of the following preamble and resolution :

*Whereas*, by the act of Congress entitled "An act to provide for increased revenue from imports to pay interest on the public debt, and for other purposes, passed August 5, 1861," a direct tax of twenty million of dollars is annually to be levied upon the taxable property of the United States.

*And whereas*, said act provides a mode of commutation by which any State, upon giving notice through its proper officer to the Secretary of the Treasury of the United States, on or before the second Tuesday of February, in each year, of its intention to assume and pay, or to assess, collect and pay into the Treasury of the United States the direct tax imposed by said act, may, in its own way and through its own officers, assess and collect the same; and any State assuming to assess, collect and pay, shall be entitled to a deduction of fifteen per cent. on the quota of direct tax apportioned to such State, provided said tax be so paid on or before the last day of June; or of ten per cent. if paid before the last day of September :

*And whereas*, the quota of said direct tax to be assessed, collected and paid by the State of New York, is \$2,603,918, which if assumed as above provided, would reduce the sum \$390,586, leaving the sum of \$2,213,332, to be paid by said State; therefore,

*Resolved*, (if the Assembly concur,) That his Excellency the Governor of the State of New York be, and is hereby authorized to forthwith notify the Secretary of the Treasury of the United States that this State will assume and pay its quota of said direct tax on or before the last day of June next.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Sanford called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature will meet on the 23d day of January instant, at 12 o'clock, noon, and proceed to the choice of a Superintendent of Public Instruction, to fill the vacancy now

existing in that office, and for the full term thereafter ; and also, of a Regent of the University, to fill the vacancy occasioned by the death of Gerrit Y. Lansing.

Mr. Sanford moved to amend by striking out the words "twenty-third" and inserting in lieu thereof the words "twenty-fourth;" also strike out the words "and for the full term thereafter."

Mr. Angel moved that so much of said resolution as relates to the election of a Superintendent of Public Instruction, be referred to the judiciary committee, with instructions to report on Monday evening next.

Mr. Folger moved to amend by striking out all after the word "resolved," and inserting in lieu thereof the following :

*Resolved*, (if the Assembly concur,) That the Legislature will on the 23d day of January instant, at noon, proceed to the choice of a Regent of the University, in the place of Gerrit Y. Lansing, deceased.

*Resolved*, (if the Assembly concur,) That the Senate and Assembly will on the day of January instant, at noon, proceed to elect by a joint ballot a Superintendent of Public Instruction, to fill the vacancy now existing in that office.

Mr. Bell called for a division of the question.

The President put the question whether the Senate would agree to so much as relates to the election of a Regent of the University, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The President then put the question whether the Senate would agree to said motion of Mr. Angel, that so much of said resolution as relates to the election of Superintendent of Public Instruction, be referred to the committee on the judiciary, and it was decided in the affirmative.

On motion of Mr. Sanford—

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting that body to transmit to the Senate the papers on file relating to the act authorizing the town of Hannibal, in the county of Oswego, to purchase a farm and erect a poor house thereon, and that when received the same be referred to the committee on internal affairs of towns and counties.

Mr. Smith offered the following resolution :

*Resolved*, That there be printed for the use of the Senate 1,000 extra copies of the annual report of the Adjutant General.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Cook—

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting that body to transmit to the Senate the papers on file relating to the People's College, and that when received they be referred to the committee on literature.

Mr. Low called for the consideration of the following resolution, from the Assembly :

*Resolved*, (if the Senate concur,) That our Senators in Congress be instructed, and that our Representatives in Congress be requested to vote for the bill now before that body for the abolition of the franking power, believing that this system has for years been a great source of expense to the people, and an unjust and unnecessary burthen which ought not longer to be borne.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bill entitled as follows:

"An act to authorize the board of supervisors of the county of Kings to provide for the relief of the families of volunteers."

After some time spent therein, the President resumed the chair, and Mr. Angel, from said committee, reported in favor of the passage of said bill, without amendment.

Mr. Hutchinson moved to recommit said bill to the committee of the whole.

Mr. Henderson moved that it be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Henderson

1

#### FOR THE NEGATIVE.

Angel	Cook	Hutchinson	Ramsey	Tobey	
Bailey	Cornell	Little	Richards	Truman	
Bradley	Farrar	Low	Robertson	Willard	
Clark	Folger	Montgomery	Sanford	Young	
Cannolly	Ganson	Murphy	Smith		24

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

By unanimous consent, Mr. Robertson moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators elected voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Ramsey	Tobey	
Bailey	Farrar	Low	Richards	Truman	
Bradley	Folger	Montgomery	Robertson	Willard	
Clark	Ganson	Murphy	Sanford	Woodruff	
Cannolly	Hutchinson	Prayn	Smith	Young	
Cook					26

#### FOR THE NEGATIVE.

Henderson

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Truman moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Cannolly moved that when the Senate adjourns it adjourn to meet on Monday evening next, at 7 o'clock.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Pruyn	Smith
Bailey	Cornell	Low	Ramsey	Tobey
Bradley	Farrar	Murphy	Richards	Woodruff
Connolly				

16

## FOR THE NEGATIVE.

Clark	Henderson	Montgomery	Sanford	Willard
Folger	Little	Robertson	Truman	Young
Ganson				

11

On motion of Mr. Truman, the Senate adjourned.

MONDAY, JANUARY 20, 1862,

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Everett.

The journal of Friday was read and approved.

Mr. Clark presented a resolution of the board of supervisors of Chenango county, for the repeal of the law authorizing the election of two school commissioners in said county, which was read and referred to the committee on literature.

Mr. Ramsey presented a petition of Edward C. Delavan and others, for State aid to build the Albany and Susquehanna railroad.

Mr. Ramsey moved that said petition be referred to a select committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson presented a petition of the trustees of the village of Yonkers, to raise money by tax, which was read and referred to the committee on the judiciary.

Also, a petition of the committee on the volunteer relief fund in Yonkers, on the same subject, which was read and referred to the committee on the judiciary.

Mr. Abbott, in behalf of Mr. Low, presented a petition of John Gihon, for relief, which was read and referred to the committee on claims.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the petition of Winant W. Bennett and others, for the incorporation of Bay Ridge Fire company, reported by bill entitled "An act to incorporate the Bay Ridge Fire company, in the town of New Utrecht," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Squire Whipple for relief, reported by bill entitled "An act providing for the settlement of the claim of Squire Whipple for the use of his Patent Iron Truss Bridges on the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the bill entitled "An act for the relief of Horace Allen," reported in favor of

the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act making appropriations for the canal debt, and for the maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, in the words following, to wit:

IN ASSEMBLY, Jan. 17, 1862.

*Resolved*, That the select committee on the rules of this House do also act as a joint committee, with a like committee to be appointed on the part of the Honorable the Senate, to revise the joint rules for the government of the two Houses, and that this resolution be transmitted to the Senate for their information and action.

By order,

J. B. CUSHMAN, Clerk.

Mr. Bell moved that the committee on joint-rules of the Senate be authorized to act with the select committee on the part of the Assembly for the purpose indicated in said resolution.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

A message from the Assembly was received and read, in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Senate, requesting it to transmit to this House all papers on its files relative to the claims of E. F. Hoyt and Percy Ann Clough, and that when received they be referred to the committee on claims.

*Ordered*, That the Clerk transmit said papers to the Assembly.

A message from the Assembly was received and read, in the words following, to wit:

*Resolved*, That a message be sent to the Senate respectfully requesting that body to take from its files and transmit to this House a petition and bill to incorporate the Tompkinsville Fire Police company, for the town of Tompkinsville, in the county of Richmond, and that when received they be referred to the committee on villages.

*Ordered*, That the Clerk transmit said papers to the Assembly.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to authorize the trustees of the village of Watkins to raise money by tax.

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the city of Schenectady.

Mr. Abbott gave notice that he would, at an early day, ask leave to introduce a bill for the removal of obstructions from highways in winter time.

Mr. Clark gave notice that he would, at an early day, ask leave to introduce a bill to amend an act in relation to Courts of Special Sessions, Courts of Sessions, and Police Courts, passed April 14, 1859.

In pursuance of previous notice, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act in relation to the superintendents of the

poor of the county of Columbia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the trustees of the village of Yonkers to raise money by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to provide for the construction of a bridge across the Oneida river, at Caughdenoy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to authorize the Watervliet Turnpike company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes, and the town of Watervliet and the city of Albany, to increase the capital stock, and to alter their corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend section 398 of the Code of Procedure as to the examination of witnesses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to authorize the board of supervisors of the county of Kings to provide for the relief of the families of volunteers."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county."

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison."

After some time spent therein, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Tobey, from the committee on the judiciary, to which was referred the resolution in relation to the election of a Superintendent of Public Instruction, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 13.)

On motion of Mr. Munroe, the Senate adjourned.

## TUESDAY, JANUARY 21, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Adleberg.

The journal of yesterday was read and approved.

The President announced as the select committee to which shall be referred all petitions relating to granting State aid to the Albany and Susquehanna railroad—Messrs. Ramsay, Connolly and Angel.

Mr. Hutchinson presented a petition of the trustees and citizens of the village of Albion, Orleans county, for an amendment of the village charter, which was read and referred to the committee on cities and villages.

Mr. Angel presented a petition of Robert Ramsey, of Belfast, for a bridge over the Genesee Valley canal, which was read and referred to the committee on canals.

Mr. Hutchinson presented a remonstrance of the principal business men of the village of Albion, and largest contributors to the Albion and Gaines plankroad, against the repeal of an act relative to the toll gate on the Albion plankroad, which was read and referred to the committee on roads and bridges.

Also, two memorials of citizens of Orleans county, on the same subject, which were read and referred to the committee on roads and bridges.

Mr. Willard presented a petition of inhabitants of Hamilton county, asking for the laying out of a road and applying non-resident taxes thereto, which was read and referred to the committee on roads and bridges.

Mr. Murphy presented a petition of James Lenox and the Roman Catholic Orphan Asylum, in the city of New York, for the repeal of the act entitled "An act to alter the map or plan of the city of New York, passed April 17, 1860," which was read and referred to the committee on cities and villages.

Mr. Hardin presented a petition of soldiers of 1812, for appropriation to pay certificates for clothing, which was read and referred to the committee on the militia.

Mr. Clark presented a petition of O. F. Evans, for an amendment of the laws in relation to highways, which was read and referred to the committee on roads and bridges.

Mr. Bailey presented a petition of citizens of Vienna, Oneida county, in relation to rebuilding the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Farrar presented a petition of Alexander Kelsey and others, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on the militia.

Mr. Pruyn presented a resolution of the board of supervisors of Albany county, asking for the repeal of the law in relation to the compensation of the treasurer of said county, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4,

1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Columbia, for an act to extend the provisions of chapter 83 of the Laws of 1861, to the county of Columbia, reported by bill entitled "An act to extend the provisions of chapter 83 of the Laws of 1861, to the county of Columbia," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to secure the better application of funds to relieve the poor of the town of Little Falls, Herkimer county."

The President presented a communication from the Commissioners of the Land Office, in relation to certain parcels of ground reclaimed from the harbor of New York.

Mr. Bradley moved that said communication, when printed, be referred to the delegation from the city of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 14.)

Mr. Murphy gave notice that he would, at an early day, ask leave to introduce a bill for the relief of riparian owners entitled by law to grants of lands now or formerly covered with water, in front of the cities of New York and Brooklyn.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill in regard to the corporation of the Sisters of Saint Vincent de Paul, and to extend the powers and privileges thereof.

In pursuance of previous notice, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to incorporate the Bank of Savings and Endowments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to amend the usury laws of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

In pursuance of previous notice, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to the auditing of accounts by the boards of supervisors of the counties of Onondaga, Tioga, Oneida, Fulton, Monroe, Broome, Delaware, Cayuga, Orange, Jefferson, Richmond, Livingston, Chenango, Suffolk, Ulster, Dutchess, Steuben and Niagara, and the duties of certain officers of said counties in connection therewith,' passed March 26, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Angel asked and obtained leave to introduce a bill entitled "An act for the relief of William Rumble and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Clark asked and obtained leave to introduce a bill entitled "An act to amend an act in relation to Courts of Special Sessions, Courts of Sessions, and Police Courts, passed April 14, 1859, chapter 339," which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to limit the compensation of the members of the board of supervisors of the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

The third reading of the bill entitled "An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county," having been announced—

On motion of Mr. Montgomery and by unanimous consent, said bill was amended by striking out the word "received" in the last line of the 8th section, engrossed bill, and inserting the word "raised" in lieu thereof.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Munroe	Tobey
Angel	Connolly	Henderson	Prayn	Truman
Bailey	Cook	Hutchinson	Ramsey	Willard
Bell	Farrar	Little	Richards	Woodruff
Bradley	Ganson	Montgomery	Robertson	Young
				25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Willard—

*Resolved*, That so much of the message of his Excellency the Governor as recommends the repeal of the acts of April 14, 1860, and April 17, 1861, in relation to capital punishments, be referred to the judiciary committee.

Mr. Hardin moved that the select committee appointed to report a bill to apportion the State into Congressional districts, under the census of 1860, be increased to seven.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ramsey—

*Resolved*, That the petitions and papers on file relating to the Albany and Susquehanna railroad, be taken therefrom and referred to the select committee having charge of that subject.

On motion of Mr. Hutchinson—

*Resolved*, That the petition and papers asking for an amendment of the charter of the village of Albion, be taken from the files of the Senate and referred to the committee on cities and villages.

On motion of Mr. Munroe—

*Resolved*, That the committee on claims be discharged from the consideration of the petition of John Gihon, and the same be referred to the judiciary committee.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general order, being the bills entitled as follows:

"An act to incorporate Zephyr Hose Company No. 4, of Port Richmond."

"An act to amend an act entitled 'An act to further amend the charter of the village of Dunkirk, and for other purposes,' passed February 16, 1860."

"An act supplementary to an act entitled 'An act to provide for the continuation of Flatbush avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Munroe, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Truman, the Senate adjourned.

## WEDNESDAY, JANUARY 22, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday was read and approved.

The President announced as the two additional members of the select committee to apportion the State into Congressional districts, Messrs. Hardin and Freer.

The Clerk announced the appointment of the following reporters :

T. S. Gillett, Albany Evening Journal ; D. A. Manning, Albany Atlas and Argus ; Wm. H. Bogart, New York World ; Jno. F. Cleveland, New York Tribune ; D. A. Levein, Associated Press ; Sullivan C. Kimball, Albany Statesman ; John C. Jacobs, New York Express ; Jacob C. Cuyler, Albany Express ; James McFarland, Albany Standard ; John M. Francis, Troy Daily Times ; Spence Spencer, American Citizen ; D. Card, Rochester Democrat ; H. L. Godfrey, Albany Times and Courier.

Mr. Farrar presented a petition of Silas O. Smith and others, for the erection of fortifications at the mouth of the Genesee river, and for the establishment of an arsenal at Rochester, which was read and referred to the committee on militia.

Mr. Folger presented a petition of Aaron Young, to confirm his election as coroner, which was read and referred to the committee on the judiciary.

Mr. Hardin presented a petition of the supervisors of the county of Herkimer, for a law to prevent abuses in town and county charges, in criminal cases, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Cook presented a memorial of R. Lansing, of Watertown, in relation to the reduction of capital of the banks in this State, which was read and referred to the committee on banks.

Mr. Pruyn presented a petition of inhabitants of Preston Hollow, in the county of Albany, that said village may be created into a separate road district, which was read and referred to the committee on roads and bridges.

Mr. Truman, from the committee on claims, to which was referred the petition of Amos Kelsey for relief from canal damages, reported by bill entitled "An act authorizing the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal in the town of Gaines, Orleans county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Andrew J. Rowley for relief for canal damages, reported by bill entitled "An act authorizing the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal in the town of Gaines, Orleans county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act supplementary to an act entitled 'An act to provide for the continuation of Flatbush Avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854."

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 28, 1853."

"An act to amend an act entitled 'An act to further amend the charter of the village of Dunkirk, and for other purposes,' passed Feb. 18, 1860."

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend the Revised Statutes relative to unauthorized banking," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the petition of James Morgan and others, for the passage of an act for laying out a highway in Hamilton county, reported by bill entitled "An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853," and the act amending the same, passed July 18, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



The President presented the following communication from the Secretary of the State Military Association :

ALBANY, January 21, 1862.

Hon. ROBERT CAMPBELL, *Lt. Governor and President of the Senate:*

SIR—The annual address before the New York State Military Association, will be delivered by the Hon. Horatio Seymour of Utica, in the Assembly chamber, on Wednesday evening, January 22d, at 7½ o'clock. The Association most respectfully invite the honorable body over which you preside to be present on the occasion.

I am, with the highest respect,

Most truly yours,

HIRAM ROOSA, *Cor. Sec'y.*

On motion of Mr. Munroe, said invitation was accepted.

Mr. Bell offered the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators and Representatives in Congress be requested to procure, if possible, such a modification of the acts already passed, and such provisions in acts hereafter to be passed for the purpose of raising revenue, as that the entire amount to be raised in any State, by any mode of taxation, except by duties upon imports, may be ascertained by some reasonable method of estimating the same, and that each State be allowed to assume the payment of such amount and to assess and collect the same in accordance with its own laws, and through its own officers.

*Ordered*, That said resolution be laid on the table.

Mr. Sanford called for the consideration of the following resolution in relation to the election of a Superintendent of Public Instruction :

*Resolved*, (if the Assembly concur,) That the Senate and Assembly will on the day of January instant, at noon, proceed to elect by a joint ballot a Superintendent of Public Instruction, to fill the vacancy now existing in that office.

Mr. Sanford moved to fill the blank in said resolution by inserting the words "Thursday the 30th day of January," as the time for preceeding to said election.

Mr. Hutchinson moved that the whole question be referred back to the judiciary committee, with instructions to report a bill fixing the tenure of office of the Superintendent of Public Instruction.

Pending the question on the motion of Mr. Hutchinson—the hour of 12 o'clock having arrived—the President announced that the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate resumed the consideration of the question pending at the hour of going into executive session, being the motion of Mr. Hutchinson to refer to the judiciary committee, with instructions.

The President put the question whether the Senate would agree to said motion of Mr. Hutchinson, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Hardin	Hutchinson	Montgomery	Truman
Clark	Henderson	Low		

FOR THE NEGATIVE.

Abbott	Farrar	Little	Ramsay	Smith
Angel	Folger	Munroe	Richards	Tobey
Brady	Freder	Murphy	Robertson	Willard
Cook	Ganson	Pruyn	Sanford	Young
Cornell				

The President put the question whether the Senate would agree to said motion of Mr. Sanford, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to legalize certain ordinances of the corporation of the city of New York."

On motion of Mr. Willard—

*Resolved*, That a respectful message be sent to the Honorable the House of Assembly, requesting it to transmit to the Senate the papers on its files relative to the claim of James H. Sherrill and John Doty, and that when received they be referred to the standing committee on claims.

On motion of Mr. Hardin—

*Resolved*, That the Clerk be directed to procure a map of the State of New York for the use of the Senate.

On motion of Mr. Connolly—

*Resolved*, That the Clerk furnish each member, officer, and reporter of the Senate, with twenty copies of the official diagram.

On motion of Mr. Cook—

*Resolved*, That the Auditor of the Canal Department report to the Senate, at his earliest convenience, the aggregate number and amount of canal awards now on file and unpaid in his office ; and if any of such awards are dated previous to the year 1861, state the number and amount in each year, in which such awards respectively bear date.

On motion of Mr. Cook—

*Resolved*, That the Canal Appraisers report to the Senate, at their earliest convenience, the aggregate number of claims presented to them for adjudication in each year, from January 1, 1851, to January 1, 1862, both years inclusive ; and the aggregate number of claims now on hand that have not been adjudicated ; and also, the aggregate number of awards made in each year, commencing January 1, 1851, and ending January 1, 1862 ; stating the aggregate amount of awards, in dollars and cents, in each of the years above named.

Mr. Sanford offered the following resolutions :

*Resolved*, That the committee on public printing, be directed to confer with the various departments that have transmitted or may transmit official communications to either branch of the Legislature, and report how many copies of their respective reports, and in what style of binding, are needed for the use of the respective departments.

*Resolved*, That the committee on printing be directed to respectfully invite the committee on public printing, or other committee having the subject in charge, in the Assembly, to a conference, and if possible agree upon a schedule that may be reported to both branches of the Legislature, which shall provide for the printing of an adequate number, and avoid the ordering of any unnecessary number of copies of these reports.

*Resolved*, That it is the duty of the Legislature to publish such a number of the various reports transmitted by the heads of departments to this Legislature as shall be necessary to furnish to the members of the Legislature and the executive officers, adequate information upon the questions under their jurisdiction, and to maintain the files of these reports in the various public libraries and offices that have heretofore been supplied with

them, but that all publications of books or documents at the expense of the General Fund for complimentary distribution should be discontinued.

Pending the question on the adoption of said resolutions—the hour of fifteen minutes to two having arrived—the President declared the Senate adjourned.

## THURSDAY, JANUARY 23, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Fulton.

The journal of yesterday was read and approved.

Mr. Farrar presented a petition of Mortimer F. Reynolds and others, for the erection of fortifications at the mouth of the Genesee river, and the establishment of an arsenal at Rochester, which was read and referred to the committee on militia.

Also, a memorial of Levi A. Ward and others, on same subject, which was read and referred to the committee on militia.

Mr. Hardin presented a petition of citizens of German Flats, for a tax to reimburse committee of relief for volunteers, which was read and referred to the committee on the judiciary.

Mr. Bailey presented a petition of fifty-two citizens of the town of Constantia, Oswego county, in relation to rebuilding the locks on Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Robertson presented a petition of Cyrus Curtis and other presidents of Life Insurance companies, in favor of the Metropolitan Health bill, which was read and referred to the committee on commerce and navigation.

Also, a petition of Valentine Mott, James R. Wood and fifty other physicians of the city of New York, on the same subject, which was read and referred to the committee on commerce and navigation.

Also, a petition of Wm. B. Astor, A. T. Stewart, Auguste Belmont and thirty-three others, representing property to the amount of \$110,000,000, on same subject, which was read and referred to the committee on commerce and navigation.

Mr. Low presented a memorial of the board of supervisors of Orange county, asking that the expenses of boards of health be assessed upon the towns or corporations where they are located, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Bell presented a memorial of the board of trustees of Lowville Academy, for State aid.

Mr. Bell moved that said memorial be printed and referred to the committee on literature.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 18.)

Mr. Smith presented four memorials of practitioners of Homeopathic medicine, in the city of Brooklyn, that their medicines be exempted from the operations of the act to legalize the sale of poison, which were read and referred to the committee on medical societies.

Mr. Clark, from the committee on roads and bridges, to which was referred the petition of inhabitants of Preston Hollow, that said village be

created into a separate road district, reported by bill entitled "An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the construction of a bridge across the Oneida river, at Caughdeney," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hani-hal, in the county of Oswego, to purchase a farm and erect thereon a town poor house,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the petition of the board of supervisors of Albany county, for the repeal of chapter 52 of the Laws of 1860, reported by bill entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the bill entitled "An act in relation to School District No. 6, in the town of Yonkers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to amend an act entitled 'An act to reorganise and regulate the common schools and the board of education in the city of Brooklyn,' passed April 4, 1859," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Munroe from the committee on banks, to which was referred the bill entitled "An act to authorize the incorporated banks of this State to take and hold any stock of the United States, or of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Aaron Young, for a confirmation of his election as coroner of Ontario county, reported by bill entitled "An act to confirm the election of Aaron Young to the office of coroner of Ontario county, and to allow him to take the oath of office with the same force and effect as if he had taken the same within the period now prescribed by law," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Solomon Myers for relief, reported by bill entitled "An act to release the interest of the State of New York in lands acquired by escheat, to Solomon Myers," which was read the first time, and by unani-

mous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson, and State of New York, appointing Graham G. Grennell, Hiram S. Thompson and Orrin H. Rundell, as justices of the peace of said town, and to confirm the said appointees respectively, in their office, as justices of the peace of said town," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act to authorize the Bank of Troy to reduce its capital stock," which was read the first time, and by unanimous consent was also read the second time.

Mr. Bell moved that said bill be referred to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to authorize the supervisors of Tompkins county, to reimburse certain expenses to Frederick H. Miller, of Lansing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to consolidate the two election districts in the town of Danby and erect one election district therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Bailey gave notice that he would, at an early day, ask leave to introduce a bill to make the common schools free in School District No. 5, in the town of Rome.

In pursuance of previous notice, Mr. Low asked and obtained leave to introduce a bill entitled "An act to regulate the fees of sheriffs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Truman asked and obtained leave to introduce a bill entitled "An act concerning the Erie Railway company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to amend chapter 366 of the Laws of 1859, entitled 'An act to establish an Insurance department,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to incorporate the American Missionary Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to prevent abuses in town and county charges, in criminal cases, in the county of Herkimer," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in regard to the corporation of the Sisters of Charity of Saint Vincent de Paul, and to extend the powers and privileges thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to regulate places of public amusement in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act in relation to Lexington avenue, in the city of New York, and to alter the map or plan of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The order of motions and resolutions having been announced—the President stated that the question pending at the hour of adjournment yesterday, was on the adoption of the following resolutions :

*Resolved*, That the committee on public printing be directed to confer with the various departments that have transmitted or may transmit official communications to either branch of the Legislature, and report how many copies of their respective reports, and in what style of binding, are needed for the use of the respective departments.

*Resolved*, That the committee on printing be directed to respectfully invite the committee on public printing, or other committee having the subject in charge, in the Assembly, to a conference, and if possible agree upon a schedule that may be reported to both branches of the Legislature, which shall provide for the printing of an adequate number, and avoid the ordering of any unnecessary number of copies of these reports.

*Resolved*, That it is the duty of the Legislature to publish such a number of the various reports transmitted by the heads of departments to this Legislature as shall be necessary to furnish to the members of the Legislature and the executive officers adequate information upon the questions under their jurisdiction, and to maintain the files of these reports in the various public libraries and offices that have heretofore been supplied with them, but that all publication of books or documents at the expense of the General Fund for complimentary distribution should be discontinued.

Mr. Sanford moved the adoption of the first and second of said resolutions, and that the third be laid upon the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators and Representatives in Congress be requested to procure, if possible, such a modification of the acts already passed, and such provisions in acts hereafter to be passed

for the purpose of raising revenue, as that the entire amount to be raised in any State, by any mode of taxation, except by duties upon imports, may be ascertained by some reasonable method of estimating the same, and that each State be allowed to assume the payment of such amount and to assess and collect the same in accordance with its own laws, and through its own officers.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Folger—

*Resolved*, That a respectful message be sent to the Regents of the University requesting that body to transmit to this Senate the papers relating to the claim of Nathan B. Wheeler, and that when received they be referred to the standing committee on claims.

On motion of Mr. Richards—

*Resolved*, That the finance committee be discharged from the further consideration of the Assembly bill entitled "An act to authorize the Bank of Troy to reduce its capital stock," and that the same be referred to the committee on banks.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to release the interest of the people of the State of New York in certain land, to William Bircury."

"An act to amend certain sections of the Revised Statutes so as to confer additional powers upon notaries public, and to confirm their acts."

"An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof."

After some time spent therein, the President resumed the chair, and Mr. Bell, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Bell, from the same committee, reported in favor of the passage of the second named bill, with amendments.

Mr. Truman renewed the motion made in committee of the whole, to strike out the enacting clause.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Connolly	Cornell	Hutchinson	Sanford	Truman	5
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#### FOR THE NEGATIVE.

Angel	Farrar	Henderson	Munroe	Smith	
Bailey	Folger	Little	Murphy	Tobey	
Bell	Freer	Low	Ramsey	Willard	
Bradley	Ganson	Montgomery	Richards	Young	
Cook	Hardin				22

Mr. Truman renewed the motion made in committee of the whole, that the county of Tioga be exempted from the provisions of said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Connolly	Munroe	Robertson	Truman	Young	6
Hutchinson					

## FOR THE NEGATIVE.

Angel	Cornell	Ganson	Montgomery	Sanford
Bailey	Farrar	Hardin	Murphy	Smith
Bell	Folger	Little	Ramsey	Tobey
Bradley	Freer	Low	Richards	Willard
Cook				21

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Bell, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## FRIDAY, JANUARY 24, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Rabbi Falk.

The journal of yesterday was read and approved.

Mr. Angel presented a petition of Hugh McNair and Hugh T. McNair, for relief for canal damages, which was read and referred to the committee on claims.

Mr. Willard presented a petition of inhabitants of Saratoga county, for the passage of an act providing for the better support of roads and bridges at Saratoga Springs, which was read and referred to the committee on roads and bridges.

Mr. Cook presented a memorial of R. L. Dow, of Dansville, Livingston county, in relation to the office of justice of the peace, which was read and referred to the committee on the judiciary.

Mr. Farrar presented a memorial of citizens of Rochester, in favor of fortifying the harbor at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia.

Mr. Bailey presented a petition of thirty-five citizens of the town of Sullivan, Madison county, in relation to rebuilding the locks on the Oneida Lake canal, which was read and referred to the committee on canals.

Mr. Ramsey presented a memorial of Cornelius and Mary Austin, for a release of land in Clinton county, which was read and referred to the committee on the judiciary.

Mr. Hardin presented a petition of James Hyde and others, for the reconstruction and alteration of a road in Richfield, Otsego county, which was read and referred to the committee on roads and bridges.

Mr. Munroe presented a petition of Hawley, Waldron & Co., for relief, which was read and referred to the committee on claims.

Mr. Farrar presented a petition of Adolphus Merse and others, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia.



Mr. Hutchinson presented a petition of Niagara Falls International Bridge company, for an amendment of their charter, which was read and referred to the committee on roads and bridges.

Mr. Cook presented a petition of Amos Brown, for aid to endow the People's College, which was read and referred to the committee on literature.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act concerning the Erie Railway company," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to county treasurers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the petition of numerous inhabitants of Orleans county, for the repeal of chapter 231 of the Laws of 1858, relating to the toll gate on the Albion plankroad, reported adversely thereto, which report was agreed to, and the prayer of the petitioners denied.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the act amendatory thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the trustees of the village of Yonkers to raise money by tax," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the petition of the trustees of the village of Albion, for the amendment of the charter of said village, reported by bill entitled "An act to amend the charter of the village of Albion," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to release the interest of the people of the State of New York in certain land, to William Biroury."

Mr. Bailey, from the committee on State prisons, to which was referred the bill entitled "An act in relation to attempts to escape by convicts in State prisons," reported adversely thereto, which report was agreed to, and said bill rejected.

Mr. Willard gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Gertrude C. Doe.

Also, a bill to provide for the better support of roads and bridges in Saratoga Springs.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill to amend the general act in relation to turnpike and plank roads.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, Herkimer county.

Mr. Folger gave notice that he would, at an early day, ask leave to intro-

duce a bill to amend or add to the Revised Statutes in relation to encroachments upon highways.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill to increase the duties on salt.

The Assembly transmitted the papers called for by resolution of the Senate, relating to the claims of James H. Sherrill and John Doty, and the same were referred to the committee on claims.

In pursuance of previous notice, Mr. Freer asked and obtained leave to introduce a bill entitled "An act to define the duties and locate the State Prison Inspectors, and appoint the agents and store keepers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

In pursuance of previous notice, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick, into one municipal government and to incorporate the same,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Bailey asked and obtained leave to introduce a bill entitled "An act to make the common schools free in district No. 5, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The bill entitled "An act to release the interest of the people of the State of New York in certain land, to William Bircoury," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Little	Pruyn	Smith
Bailey	Farrar	Low	Ramsey	Tobey
Bell	Folger	Montgomery	Richards	Willard
Bradley	Freer	Munroe	Robertson	Young
Connolly	Hardin	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend certain sections of the Revised Statutes so as to confer additional powers upon notaries public, and to confirm their acts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Munroe	Smith
Bailey	Folger	Little	Murphy	Tobey
Bell	Freer	Low	Pruyn	Willard
Bradley	Hardin	Montgomery	Richards	Young
Cook				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Willard—

*Resolved*, That all the printed documents, reports, and the certificate of Archibald Campbell, Deputy Secretary of State, and Clerk of the Commis-  
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sioners of the Land Office, of the loss of fourteen papers therein described, and other papers that have been lost or cannot be found, which relate to the application of Nicholas B. Doe and Gertrude C. Doe, under the provisions of the act of the Legislature, passed 1832, chapter 197, entitled "An act for the relief of the personal representatives of John Thurman, deceased," and that all the documents and reports of the Senate, Assembly, and Commissioners of the Land Office, with all the papers, that they be used by the committee in the place of the original affidavits that have been on file with the papers that have been referred to the committee on claims.

Mr. Pruyn offered the following resolution :

*Resolved*, That the committee on the judiciary be requested to report a general law authorizing aliens to hold and convey real estate in this State, under such restrictions as the committee may deem proper.

Mr. Folger moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Richards offered the following resolution :

*Resolved*, That when the Senate adjourns this day, it be until to-morrow at 10 o'clock, and that when it adjourns to-morrow it be until Monday evening at 7 o'clock.

Mr. Farrar moved to amend by striking out all after the word "resolved," and inserting in lieu thereof the following :

"That when the Senate adjourns this day, such adjournment be to Monday the 27th of January instant, at 7 o'clock P. M.

The President put the question whether the Senate would agree to said amendment, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the negative.

Mr. Connolly offered the following resolution :

*Resolved*, That Abijah Ingraham be, and he hereby is appointed a clerk to the committee on finance, and that whenever his services are required by the committee on claims, he shall be subject to the order of said committee.

Mr. Folger moved that said resolution be referred to a select committee of three, of which the Senator from the 19th be the chairman, to report to the Senate what offices about the Senate or its committees may be abolished.

Mr. Connolly moved to amend by striking out the words "a select committee of three, of which the Senator from the 19th be chairman," and inserting in lieu thereof the words "committee on retrenchment."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved to amend by striking out the words "a select committee of three, of which the Senator from the 19th be the chairman," and inserting in lieu thereof the words "the committee on grievances."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Henderson moved that the Senator from the 29th be one of said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Hutchinson moved that the Senator from the 1st be one of said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved to amend by striking out the words "a select com-

mittee of three, of which the Senator from the 19th be the chairman," and inserting in lieu thereof the words "a select committee of three to be appointed by the Chair."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to refer, as amended, and it was decided in the affirmative.

On motion of Mr. Ramsey—

*Resolved*, That the petition and papers on file of Cornelius Austin and Mary Austin, praying for relief, be taken therefrom and referred to the committee on the judiciary.

Mr. Richards moved to reconsider the vote taken this morning on the resolution relating to an adjournment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Munroe	Smith
Bailey	Cornell	Henderson	Murphy	Tebey
Bell	Folger	Hutchinson	Richards	Willard
Bradley	Freer	Little	Robertson	Young
Connolly	Ganson	Low		

23

#### FOR THE NEGATIVE.

Montgomery

1

Mr. Cook presented a communication from the Auditor of the Canal Department, in relation to claims in the years 1860 and 1861, being Senate document No. 7.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:

"An act providing for the settlement of the claim of Squire Whipple for the use of his Patent Iron Truss Bridges on the canals of this State."

"An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county."

"An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of said named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend certain sections of the Revised Statutes so as to confer additional power upon notaries public, and to confirm their acts."

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums."

"An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1853."

"An act to extend the provisions of chapter 88 of the Laws of 1861, to the county of Columbia."

After some time spent therein, the President resumed the chair, and Mr. Sanford, from said committee, reported progress on the said named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 10 o'clock.

## SATURDAY, JANUARY 25, 1861.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

Mr. Munroe presented a petition of Dr. Lyman Clary and other physicians of the city of Syracuse, for the setting off of half of Bellevue Hospital for the practice of Homeopathic physicians and surgeons, which was read and referred to the committee on medical societies.

Also, a petition of Dr. A. R. Morgan and others, of Syracuse, to incorporate the Homeopathic Medical Society of the State of New York, which was read and referred to the committee on medical societies.

Mr. Robertson presented a petition of one hundred citizens of the city of New York, for the passage of the act regulating places of public amusement, which was read and referred to the committee on cities and villages.

Also, a petition of proprietors of hotels in said city, on same subject, which was read and referred to the committee on cities and villages.

Mr. Bailey presented a petition of John R. Owens, for payment of damages caused by a defective canal bridge, which was read and referred to the committee on claims.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county."

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Adjutant General, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the use of the Senate 1,000 extra copies of the annual report of the Adjutant General.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Richards, from the committee on agriculture, to which was referred the petition of John T. Hildreth, for the prevention of the sale of swill milk, reported by bill entitled "An act to prevent the adulteration of milk, and to stop the traffic in swill milk," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes as to the effect of a judgment in ejectment.

In pursuance of previous notice, Mr. Willard asked and obtained leave to introduce a bill entitled "An act for the better support of roads and bridges in the village and town of Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Willard asked and obtained leave to introduce a bill entitled "An act for the relief of Gertrude C. Doe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act making appropriations for the canal debt and for the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two."

"An act providing for the settlement of the claim of Squire Whipple for the use of his Patent Iron Truss Bridges on the canals of this State."

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to provide for the re-construction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act making further provisions relative to encroachments upon highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario,' passed May 6, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act for the protection of fish in the upper portion of the Niagara river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:

"An act to amend the Revised Statutes relative to unauthorized banking."

"An act authorising the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal in the town of Gaines, Orleans county."

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the

first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

On motion of Mr. Hutchinson, the Senate adjourned.

MONDAY, JANUARY 27, 1862,

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Goss.

The journal of Saturday was read and approved.

Mr. Willard presented a petition of citizens of Saratoga county, for the better protection of sheep, which was read and referred to the committee on the judiciary.

The Assembly returned the resolution in relation to the election of a Superintendent of Public Instruction, on Thursday the 30th day of January instant, with a message that they had concurred in the passage of same, without amendment.

The Assembly also returned the resolution in relation to the election of a Regent of the University, on the 23d day of January instant, with a message that they had concurred in the passage of the same with the following amendments:—strike out the words "twenty-third," and insert in lieu thereof the word "thirtieth."

Mr. Munroe moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly also returned the resolution requesting our Senators and Representatives in Congress to procure, if possible, such a modification of the acts already passed, and such provisions in the acts hereafter to be passed for the purpose of raising revenue, as that the entire amount to be raised in any State, by any mode of taxation except by duties upon imports, may be ascertained by some reasonable method of estimating the same, and that each State be allowed to assume the payment of such amount, and to assess and collect the same in accordance with its own laws and through its own officers, with a message that they had concurred in the passage of the same without amendment.

*Ordered*, That the Clerk transmit said resolution to the Secretary of State's office.

The Assembly also returned the resolutions of the Senate requesting the Governor to notify the Secretary of the Treasury of the United States that this State would assume, collect and pay its quota of the National tax, with a message that they had concurred in the passage of the same without amendment.

*Ordered*, That the Clerk transmit the same to the Governor and to the office of the Secretary of State.

The Assembly also returned the resolution of the Senate calling for the transmission of the papers on file relating to the People's College, with a

message from their Clerk that he was unable to find said papers on the files of the Assembly.

The Assembly sent for concurrence the following preamble and resolution :

*Whereas*, The health and comfort in the camp, and the highest efficiency in the field, of our volunteer soldiers who have so nobly offered their lives to the country in the present war, are of the most vital importance to the nation ; and whereas, by the present army rations they are entirely deprived of the articles of butter and cheese, heretofore deemed by them a necessary of life, while their daily allowance of flour and meat is so great that the excess is either thrown away, or its avails appropriated by dishonest officials or contractors ; and,

*Whereas*, The butter and cheese interests, the greatest agricultural interest of this State—an interest greater than any other three farming interests combined—is and has been destroyed ; therefore,

*Resolved*, (If the Senate concur,) That our Senators be instructed, and our Representatives be requested, to use their efforts in Congress to so amend the existing regulations, that butter and cheese may be included in the army rations ; and also, that the quantity of any articles now existing therein to excess be diminished.

*Ordered*, That said resolution be laid on the table.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to amend the 12th section of chapter 459 of the Laws of 1860, entitled "An act to amend the Code of Procedure."

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill to authorize the city of Schenectady to purchase a Steam Fire engine.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act in relation to plank and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend section 88, of title 1st, chapter 5th, part 3d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act for the relief of certain town collectors of taxes in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bell offered the following resolutions :

*Resolved*, (if the Assembly concur,) That in view of the increased taxation to be borne by the people of this State, to sustain the Federal Government in its efforts to suppress the present rebellion, and to preserve the integrity of the Union, our assessment laws should be so constructed that every person and species of taxable property in this State, shall bear his and its just proportion of the public burdens.

*Resolved*, (if the Assembly concur,) That in view of the conceded defects and complications of our present assessment and taxation laws, the Gover-



nor shall nominate, and by and with the advice and consent of the Senate, appoint a commission, to be composed of three citizens of this State, eminent for their legal and practical knowledge of this subject, who shall without unnecessary delay, enter upon a thorough examination of the tax laws of this and such other States and nations, as will enable them, at the earliest day practicable, to report to the Legislature of this State in as concise a manner as a full explanation of the subject will admit, a bill which shall remedy the defects of the existing laws, and contain plain simple rules and forms for the assessment and collection of taxes in accordance with the true intent and spirit of these resolutions, and submit their final or partial report as provided in this section, on the fifth day of April next.

*Ordered*, That said resolutions be laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853."

"An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums."

"An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1853."

After some time spent therein, the President resumed the chair, and Mr. Abbott, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Abbott, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853."

"An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district."

After some time spent therein, the President resumed the chair, and Mr. Angel, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Angel, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to repeal chapter 217 of the laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house.'"

"An act in relation to school district number six, in the town of Yonkers."

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Freer, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to confirm the election of Aaron Young to the office of coroner of Ontario county, and to allow him to take the oath of office with the same force and effect as if he had taken the same within the period now prescribed by law."

"An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson, and State of New York, appointing Graham G. Grennell, Hiram S. Thompson and Orrin H. Rundell, as justices of the peace of said town; and to confirm the said appointees, respectively, in their office as justices of the peace of said town."

"An act to release the interest of the State of New York in lands acquired by escheat, to Solomon Myers."

After some time spent therein, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as ~~correctly~~ engrossed, the bill entitled as follows:

"An act to amend the Revised Statutes relative to unauthorized banking."

On motion of Mr. Hardin, the Senate adjourned.

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## TUESDAY, JANUARY 28, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of yesterday was read and approved.

The President announced as the select committee to inquire and report what offices about the Senate or its committees, may be abolished—Messrs. Bailey, Bradley and Bell.

Mr. Farrar presented a petition of thirty-five citizens of Dansville, Livingston county, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

Also, a petition of citizens of Rochester, on same subject, which was read and referred to the committee on militia and public defence.

Mr. Ganson presented a petition of St. Mary's Woman's Lying in Hospital of Buffalo, for relief, which was read and referred to the committee on finance.

Mr. Murphy presented a petition of Robert Murray and others, for repeal of the act opening Main street, in the city of Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Smith presented a petition of Thomas J. Taylor and others, for a division of the Eleventh ward, in the city of Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Hutchinson presented a petition of members of the bar of Orleans county, for a law library in the 8th judicial district, to be located at Buffalo, which was read and referred to the committee on the judiciary.

Mr. Young, from the committee on manufactures, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act for the better support of roads and bridges in the village and town of Saratoga Springs," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson, and State of New York, appointing Graham G. Grennell, Hiram S. Thompson and Orrin H. Randell, as justices of the peace of said town; and to confirm the said appointees, respectively, in their office as justices of the peace of said town."

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 86, of title 1st, chapter 5th, part 3d of the Revised Statutes," reported in favor of the passage of the same, with amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of certain of the town collectors of taxes in the county of Allegany," reported in favor of the passage of the same.

By unanimous consent, Mr. Angel moved that the rules be suspended, and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators elected voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Munroe	Robertson
Bailey	Folger	Little	Pruyn	Smith
Connolly	Freer	Low	Ramsey	Tobey
Cook	Ganson	Montgomery	Richards	Young
Cornell				

21

Mr. Robertson moved to reconsider the vote just taken.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Ganson	Low	Richards
Bailey	Farrar	Hardin	Montgomery	Robertson
Bell	Folger	Hutchinson	Munroe	Tobey

Connolly  
Cook

Freer

Little

Murphy

Young

21

#### FOR THE NEGATIVE.

Ramsay

1

On motion of Mr. Angel, and by unanimous consent, said bill was amended by striking out the words "second Monday" and inserting in lieu thereof the words "first day."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Bell  
Connolly  
Cook

Cornell  
Farrar  
Folger  
Freer  
Ganson

Hardin  
Hutchinson  
Little  
Low  
Montgomery

Munroe  
Murphy  
Praya  
Ramsay

Richards  
Robertson  
Smith  
Young

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to prevent abuses in town and county charges in criminal cases, in the county of Herkimer," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act for the protection of fish in the upper part of the Niagara river," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to limit the compensation of the members of the board of supervisors of the county of Monroe," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the supervisors of Tompkins county to reimburse certain expenses to Frederick H. Miller of Lansing" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 134 of the Laws of 1847.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill to authorize the board of supervisors of Kings county to borrow money to erect a court house for said county.

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill to change the basis of representation in the board of supervisors of the several counties of this State.

Mr. Sanford gave notice that he would, at an early day, ask leave to introduce a bill for the relief of Eleanor Britton.

Also, a bill to amend the charter of the village of Fulton.

Also, a bill to repeal chapter 170 of the Laws of 1861.

Mr. Murphy gave notice that he would, at an early day, ask leave to introduce a bill to authorize the Greenwood Cemetery to sell and dispose of a gore of land.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1858."

"An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1858."

"An act to confirm the election of Aaron Young to the office of coroner of Ontario county, and to allow him to take the oath of office with the same force and effect as if he had taken the same within the period now prescribed by law."

"An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house.'"

"An act to release the interest of the State of New York in land acquired by escheat to Solomon Myers."

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act in regard to divorces dissolving the marriage contract," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to authorize the city of Schenectady to purchase a Steam Fire engine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act in relation to certain sales made by one of the commissioners for loaning certain moneys of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act in relation to the publication of notices by the Contracting Board," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

The bill entitled "An act providing for the settlement of the claim of Squire Whipple for the use of his Patent Iron Truss Bridges on the canals of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott  
Angel

Cornell  
Farrar

Hardin  
Hutchinson

Montgomery  
Munroe

Ramsey  
Richards

Bell  
Connolly  
Cook

Folger  
Freer  
Ganson

Little  
Low

Murphy  
Pruyn

Robertson  
Young

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bell  
Connolly  
Cook

Cornell  
Farrar  
Folger  
Freer  
Ganson

Hardin  
Hutchinson  
Little  
Low

Montgomery  
Munroe  
Murphy  
Ramsey

Richards  
Robertson  
Smith  
Young

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Connolly  
Cook

Cornell  
Farrar  
Folger  
Freer

Ganson  
Hardin  
Hutchinson  
Low

Montgomery  
Munroe  
Murphy  
Pruyn

Richards  
Robertson  
Willard  
Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the Revised Statutes relative to unauthorized banking," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel  
Bailey  
Connolly  
Cook

Cornell  
Farrar  
Freer  
Ganson

Hutchinson  
Little  
Low  
Montgomery

Munroe  
Murphy  
Pruyn  
Ramsey

Richards  
Smith  
Willard  
Young

20

## FOR THE NEGATIVE.

Folger

Hardin

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Ramsey	Smith
Bailey	Farrar	Little	Richards	Willard
Connolly	Freer	Montgomery	Robertson	Young
Cook	Ganson	Pruyn		

18

FOR THE NEGATIVE.

Folger	Low			
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows :

FOR THE AFFIRMATIVE.

Henderson	Ramsey	Smith	Willard	Young
Pruyn	Richards			

7

FOR THE NEGATIVE.

Connolly	Folger	Hardin	Montgomery	Murphy
Farrar	Ganson			

7

No quorum voting, said bill was laid aside, under the rule.

The bill entitled "An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson
Angel	Farrar	Hutchinson	Murphy	Smith
Bailey	Folger	Little	Pruyn	Willard
Bell	Ganson	Montgomery	Richards	Young
Connolly				

21

FOR THE NEGATIVE.

Henderson				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson and State of New York, appointing Graham G. Grennell, Hiram S. Thompson and Orrin H. Rundell, as justices of the peace of said town ; and to confirm the said appointees, respectively, in their office as justices of the peace of said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Munroe	Robertson
Angel	Farrar	Henderson	Murphy	Smith
Bailey	Folger	Hutchinson	Pruyn	Willard
Bell	Freer	Little	Ramsey	Young
Cook	Ganson	Montgomery	Richards	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the State of New York in lands acquired by escheat, to Solomon Myers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Robertson
Angel	Farrar	Henderson	Pruyn	Smith
Bailey	Folger	Hutchinson	Rainey	Willard
Bell	Freer	Montgomery	Richards	Young
Connolly	Ganson	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President presented a communication from the Auditor of the Canal Department, in reply to the resolution of the Senate in relation to the number and amount of awards made by the Canal Appraisers, now on file and unpaid in his office; the number previous to the year 1861, and the number in each year previous to that date—which was laid on the table and ordered printed.

(See Doc. No. 19.)

Mr. Hutchinson offered the following resolution:

*Resolved*, That there be printed 1,000 copies of the report of the Canal Commissioners for the Senate, and 500 copies for the Canal Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Hutchinson offered the following resolution:

*Resolved*, That there be printed of the report of the Auditor of the Canal Department 1,000 copies for the use of the Senate, and 500 copies for the Auditor.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Bell called for the consideration of the following resolutions:

*Resolved*, (if the Assembly concur,) That in view of the increased taxation to be borne by the people of this State, to sustain the Federal Government in its efforts to suppress the present rebellion, and to preserve the integrity of the Union, our assessment laws should be so constructed that every person and species of taxable property in this State, shall bear his and its just proportion of the public burdens.

*Resolved*, (if the Assembly concur,) That in view of the conceded defects and complications of our present assessment and taxation laws, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint a commission, to be composed of three citizens of this State, eminent for their legal and practical knowledge of this subject, who shall without unnecessary delay, enter upon a thorough examination of the tax laws of this and such other States and nations, as will enable them, at the earliest day practicable, to report to the Legislature of this State in as concise a manner as a full explanation of the subject will admit, a bill which shall remedy the defects of the existing laws, and contain plain simple rules and forms for the assessment and collection of taxes in accordance with the true intent and spirit of these resolutions, and submit their final or partial report as provided in this section, on the fifth day of April next.

Mr. Henderson moved to amend by striking out the words "Governor shall nominate, and by and with the advice and consent of the Senate, appoint a commission, to be composed of three citizens of this State, eminent



for their legal and practical knowledge of this subject," and insert in lieu thereof the words "the Legislature shall appoint a select committee."

Mr. Hardin moved further to amend by adding the words "and that the State Assessors shall report to this body what reforms or alterations are necessary in the present assessment laws."

Mr. Farrar moved that said resolutions be laid on the table and printed.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to incorporate Zephyr Hose Company No. 4 of Port Richmond."

"An act to incorporate the Bay Ridge Fire company in the town of New Utrecht."

"An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums."

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Young, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

### WEDNESDAY, JANUARY 29, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Goss.

The journal of yesterday was read and approved.

Mr. Sanford presented a petition of Eleanor Britton, for relief, which was read and referred to the committee on the judiciary.

Mr. Smith presented a petition of Wm. H. Brown and forty others, asking for an act to incorporate the Homeopathic Medical Society of the State of New York, which was read and referred to the committee on medical societies.

Mr. Truman, from the committee on claims, to which was referred the petition of Lyman A. Spalding for relief for canal damages, reported by bill entitled "An act for the relief of the lessees of the surplus waters of the canal at Lockport," for the consideration of the Senate; which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, as the chairman of said committee, stated his dissent from the report of the committee.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to incorporate Zephyr Hose Company No. 4, of Port Richmond."

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill in relation to acknowledgment and proof of deeds, mortgages, &c., relating to real estate, executed out of the United States.

Also, a bill to incorporate the Homeopathic Medical Society of the State of New York.

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Schenectady Insurance company.

Mr. Willard gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act concerning the rights and liabilities of husband and wife, passed March 20, 1860."

Also, a bill to amend an act entitled "An act for the benefit of married women in insuring the lives of their husbands, passed April 14, 1858."

In pursuance of previous notice, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the Greenwood Cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to authorize the town of Little Falls to raise moneys to re-imburse expenditures for families of volunteers in the service of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the 12th section of chapter 459 of the Laws of 1860, entitled 'An act to amend the Code of Procedure,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others, whenever a portion of the pavement is temporarily removed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act relative to the trial of offences committed against joint stock associations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act for the release of certain lands and real estate of which Thomas Britton died seized, to Eleanor Britton, his

widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act for the relief of the riparian owners entitled by law to grants of land, now or formerly covered with water, in front of the cities of Brooklyn and New York, and to extend to the Hudson and East rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act to incorporate Zephyr Hose Company No. 4, of Port Richmond," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Freer	Low	Prugn	Smith
Bell	Ganson	Montgomery	Ramsey	Tobey
Connolly	Hardin	Munroe	Richards	Willard
Farrar	Hutchinson	Murphy	Sanford	Young
Folger	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Munroe offered the following resolution:

*Resolved*, That the Clerk of the Senate be directed to furnish each of the pages of the Senate with five dollars worth of stationery, as at last session.

Mr. Bell moved to amend by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the Clerk be authorized to supply the pages with stationery orders, not exceeding the amount of five dollars for each during the session."

Mr. Folger moved further to amend by adding the following:

"And that the total be deducted from the pay of all the Senators, in equal proportion."

The President put the question whether the Senate would agree to said motion of Mr. Folger, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Folger	Little	Montgomery	Tobey
Cook	Ganson	Low	Prugn	Truman
Farrar	Hutchinson			

12

#### FOR THE NEGATIVE.

Angel	Munroe	Ramsey	Robertson	Willard
Connolly	Murphy	Richards	Smith	Young
Freer				

11

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the negative.

Mr. Hutchinson offered the following resolution:

*Resolved*, (if the Assembly concur,) That there be printed of the Senate Document No. 10, (being the report of the Commissioners of the Land Office, on the New York Harbor Encroachments, under the act chapter 516, Laws of 1860,) five copies for each Senator and member of Assembly; and

also, one thousand copies for the use of the Commissioners of the Land Office.

*Ordered*, That said resolution be laid on the table.

Mr. Richards offered the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators in Congress be, and are hereby instructed to vote for the expulsion of Jesse D. Bright, Senator from Indiana, from the Senate of the United States.

*Ordered*, That said resolution be laid on the table.

Mr. Hardin offered the following resolution :

*Resolved*, (if the Assembly concur,) That all petitions, papers and claims for damages, growing out of, or in anywise connected with the canals of this State, shall in the first instance be referred to the Canal Contracting Board. It shall be the duty of said board, or a majority of them during the present year, to personally visit the location and premises upon which such claim is founded, and there examine and inquire into all facts in relation to such claim, either by sworn testimony or otherwise ; and if such claim is founded upon or grows out of any contract for the construction or repair of any work connected with the canals of this State ; after ascertaining all the facts connected with such construction or repair ; the board shall then state in their report, the original estimate of the Engineer of the cost of constructing such work, and the actual cost as paid by the State in the final account rendered ; and if the latter shall exceed the former, state whether such excess were caused by a change of plan of the work, by unforeseen difficulties in its prosecution, or for extra labor done or materials furnished, which were not contemplated at the time of making the contract ; and to state further, what allowances, if any, have been made upon such claim or contract ; either in the final account, or by the Canal Commissioners, the Canal Board, or the Legislature. If the claim is for labor done or materials furnished, for which no contract was made, or for diversion or temporary appropriation of water ; for injury to lands by breaks in the canal ; for injury consequent upon navigation ; for injuries or damages sustained, caused by or in any way connected with the canals of this State ; to report all the facts in the manner above stated, upon each claim separately in writing, to the Legislature at its next session after such claim is presented.

*Resolved*, That the resolution of the Senate in relation to canal claims, passed January 22, 1858, and published in the Red Book of 1861, at page 524, be, and the same is hereby rescinded.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Angel—

*Resolved*, That his Excellency the Commander-in-Chief be, and is hereby respectfully requested, at his earliest convenience, to report to the Legislature all his acts and proceedings, under and by virtue of chapter 292 of the Laws of 1861.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

“An act in relation to School District No. 6, in the town of Yonkers.”

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows :

“An act to amend an act entitled ‘An act in relation to courts in Kings county,’ passed April 15, 1852.”

“An act for the relief of Horace Allen.”

“An act to amend an act entitled ‘An act to reorganize and regulate the common schools and the board of education in the city of Brooklyn,’ passed April 4, 1850.”

After some time spent therein, the President resumed the chair, and Mr. Hutchinson, from said committee, reported in favor of the passage of the first named bills, with amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hutchinson, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to, and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

### THURSDAY, JANUARY 30, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mayo.

The journal of yesterday was read and approved.

Mr. Montgomery presented a petition of Charles Richardson and others, citizens of Morristown, St. Lawrence, praying for the passage of a law for the relief of the families of volunteers of said town, which was read and referred to the committee on the judiciary.

Mr. Bradley presented a petition of merchants of New York city, for the passage of an act prohibiting peddlers from selling goods in this State unless they are licensed, which was read and referred to the committee on the judiciary.

Mr. Low presented a petition of 220 citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented a remonstrance of Thomas W. Olcott, Jacob H. Ten Eyck, and other real estate owners in Albany, against the repeal of the law making the office of county treasurer of said county a salaried office, which was read and committed to the committee of the whole.

Mr. Folger presented a petition of residents in the vicinity of Seneca Lake, for the protection of fish in said lake, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Ganson presented a petition of citizens of Erie county, for a law library in the eighth judicial district, to be located at Buffalo, which was read and referred to the committee on the judiciary.

Mr. Ramsey presented a remonstrance of property owners in Albany, against the repeal of the law making the office of county treasurer in said county, a salaried office, which was read and committed to the committee of the whole.

Mr. Smith presented a petition of Martin Kalbfleisch, mayor of the city of Brooklyn, and others, for the repeal of the act to widen Fourth avenue, in said city, which was read and referred to the committee on cities and villages.

Mr. Farrar presented a petition of citizens of Rochester, for fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

Mr. Bell presented a remonstrance of sixty-eight property holders in Al-

bany, against the repeal of the law making the office of county treasurer in said county, a salaried office, which was read and committed to the committee of the whole.

Mr. Ramsey presented a petition of citizens of Schenectady, in favor of the bill consolidating the several acts relating to said city, which was read and referred to the committee on cities and villages.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to consolidate the two election districts in the town of Danby, and erect an election district therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the superintendents of the poor of the county of Columbia," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Watervliet Turnpike company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes, and the town of Watervliet and the city of Albany, to increase the capital stock, and to alter their corporate name," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to reorganize and regulate the common schools and the board of education in the city of Brooklyn,' passed April 4, 1850."

"An act for the relief of Horace Allen."

"An act to incorporate the Bay Ridge Fire company in the town of New Utrecht."

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852."

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act making further provisions relative to encroachments upon highways," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburg and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to preserve the public peace and order

in places of public amusement in the city of New York," reported that they have made amendments thereto, and amended the title so as to read as follows:—"An act to regulate places of public amusement in the city of New York," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to make the common schools free in district number five, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the select committee consisting of Messrs. Ramsey, Connolly and Angel, to whom was referred the petition of numerous citizens of this State praying for State aid to build the Albany and Susquehanna railroad, reported by bill entitled "An act to facilitate the construction, and extend the time for the completion of the Albany and Susquehanna railroad," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 20.)

A message from the Assembly was received, requesting the concurrence of the Senate to the following entitled bills:

"An act in relation to the village of Hempstead, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing 1st day of October, in the year 1861,' passed April 13, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend the charter of the Republic Fire Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to authorize the board of supervisors of the county of Ulster to defray certain expenses of board, transportation, &c., of the twentieth regiment of New York militia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

"An act in relation to warrants issued by county treasurers against defaulting collectors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

A message from the Assembly was received, informing that they had concurred in the passage of the following entitled bill, without amendment, to wit:

"An act to authorize the board of supervisors of the county of Kings to provide for the relief of the families of volunteers."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Cook gave notice that he would, at an early day, ask leave to introduce a bill in relation to the withdrawal of the circulating bills of incorporated banks whose charters have expired, or may hereafter expire, and to secure the redemption thereof.

Mr. Young gave notice that he would, at an early day, ask leave to intro-

duce a bill to authorize the village of Dunkirk, in the county of Chautauqua, to purchase and hold land for a cemetery.

Mr. Montgomery gave notice that he would, at an early day, ask leave to introduce a bill for the relief of the families of New York volunteers in the town of Morristown.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht,' passed April 13, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 3, 1861, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh, and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend section 116 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to incorporate the Bronxville Institute, in the town of Eastchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Willard asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act for the relief of certain of the town collectors of taxes in the county of Allegany."

"An act to legalize certain ordinances of the corporation of the city of New York."

*Ordered,* That the Clerk deliver said bills to the Governor.

The bill entitled "An act to incorporate the Bay Ridge Fire company, in the town of New Utrecht, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott  
Angel

Connolly  
Farrar

Hardin  
Henderson

Murphy  
Ramsey

Tobey  
Truman



Bailey	Folger	Little	Richards	Willard	
Bell	Freer	Low	Sanford	Woodruff	
Bradley	Ganson	Montgomery	Smith	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Hutchinson moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the charter of the village of Albion," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Pruyn	Tobey	
Angel	Folger	Low	Ramsey	Truman	
Bradley	Freer	Montgomery	Richards	Willard	
Connolly	Ganson	Munroe	Sanford	Woodruff	
Cook	Hardin	Murphy	Smith	Young	
Cornell	Hutchinson				27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Tobey	
Angel	Farrar	Low	Ramsey	Willard	
Bradley	Folger	Montgomery	Richards	Woodruff	
Connolly	Ganson	Munroe	Sanford	Young	
Cook	Hardin	Murphy	Smith		24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Horace Allen," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Montgomery	Ramsey	Truman	
Angel	Ganson	Munroe	Richards	Willard	
Bradley	Hardin	Murphy	Smith	Woodruff	
Connolly	Hutchinson	Pruyn	Tobey	Young	
Cornell	Little				22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to reorganize and regulate the common schools and the board of education in the city of Brooklyn,' passed April 4, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Ganson	Murphy	Robertson	Truman
Angel	Little	Prayn	Sanford	Willard
Farrar	Montgomery	Ramsey	Smith	Young
Folger	Munroe	Richards	Tebey	

19

## FOR THE NEGATIVE.

Bradley	Connolly	
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Abbott offered the following resolution :

*Resolved*, That there be printed for the use of the Senate 200 copies of the list of members, officers and reporters of the Legislature, and forty on card board.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Richards called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators in Congress be and are hereby instructed to vote for the expulsion of Jesse D. Bright, Senator from Indiana, from the Senate of the United States.

Pending the question on the adoption of said resolution—the hour of 12 o'clock having arrived—the President announced that pursuant to law, and agreeably with the concurrent resolutions of the Senate and Assembly, the Senate would proceed to the nomination of a candidate for the office of Regent of the University, to fill the place of Gerrit Y. Lansing, deceased ; and by joint ballot of the two Houses to elect a Superintendent of Public Instruction for the full term of three years, from this date. The first thing in order being the nomination of a candidate for the office of Regent of the University.

Each Senator, as his name was called, rose in his place and openly nominated for Regent of the University, as follows :

## FOR GEORGE R. PERKINS.

Abbott	Cornell	Henderson	Murphy	Smith
Angel	Farrar	Hutchinson	Prayn	Tebey
Bailey	Folger	Little	Ramsey	Truman
Bell	Freer	Low	Richards	Willard
Bradley	Ganson	Montgomery	Robertson	Woodruff
Connolly	Hardin	Munroe	Sanford	Young
Cook				

31

The President declared that George R. Perkins, of the city of Utica, having received a majority of all the votes cast, was duly nominated on the part of the Senate for the office of Regent of the University, in place of Gerrit Y. Lansing, deceased.

On motion of Mr. Sanford—

*Resolved*, That a committee of two be appointed to wait on the Assembly and inform that body that the Senate have made a nomination for the office of Regent of the University, and are ready to meet the Assembly and compare nominations ; and that the Senate are also ready to meet the Assembly and proceed to a joint ballot for the election of a Superintendent of Public Instruction.

The President appointed Messrs. Sanford and Woodruff, as such committee.

The Senate then resumed the consideration of the question pending at the hour of 12 o'clock, being the adoption of the resolution relating to the expulsion of Jesse D. Bright.

Pending the question—

Mr. Sanford, from the committee appointed to wait on the Assembly, reported that they had discharged the duty assigned them.

Messrs. Tracey and Kenney, a committee from the Assembly, appeared and announced that the Assembly had made a nomination for the office of Regent of the University, and were ready to receive the Senate in the Assembly chamber to compare nominations for said office. And that they were also ready to meet the Senate in joint meeting to proceed to a joint ballot for the election of a Superintendent of Public Instruction.

The President accordingly left the chair, and with the Senate proceeded to the Assembly chamber, and on comparing nominations for the office of Regent of the University, they were found to agree upon the name of George R. Perkins.

The President thereupon announced and declared that George R. Perkins, of the city of Utica, was duly elected a Regent of the University, in place of Gerrit Y. Lansing, deceased.

The Senate having returned to the Senate chamber, the President announced the foregoing proceedings as having taken place. And also further announced, that in pursuance of law, and agreeably with the concurrent resolution of the Senate and Assembly, the two Houses had in joint meeting proceeded to the election of a Superintendent of Public Instruction by joint ballot, for the full term of three years, from this date, Mr. Robertson acting as teller on the part of the Senate, and Mr. Benedict on the part of the Assembly, when it appeared that the whole number of votes cast was 148, of which Victor M. Rice, of the city of Buffalo, received 102; Joseph Warren, also of the city of Buffalo, received 39; Henry Howe, received 2; Emerson W. Keyes, received 3; D. B. Radkin, received 1; blank received 1.

Whereupon the President announced and declared that Victor M. Rice, having received a majority of all the votes cast, was duly elected Superintendent of Public Instruction for the full term of three years, from this date.

The Senate then resumed the consideration of the question pending at the hour of proceeding to the Assembly chamber for the election of a Regent of the University, and a Superintendent of Public Instruction, being the adoption of the resolution in relation to the expulsion of Jesse D. Bright.

Mr. Henderson was proceeding to debate said question, when the President decided that he was out of order, and requested him to take his seat.

From this decision Mr. Henderson appealed.

The President put the question "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Tobey
Angel	Cornell	Hutchinson	Ramey	Truman
Bailey	Eassar	Little	Richards	Willard
Bell	Folger	Low	Robertson	Woodruff
Bradley	Freer	Montgomery	Sanford	Young
Connolly	Ganson	Mumroe	Smith	

29

#### FOR THE NEGATIVE.

Henderson

1

Mr. Robertson moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bailey Connolly Cornell	Farrar Fraser Hardin	Manroe Murphy Prayn	Ramsey Robertson Smith	Tobey Willard	14
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## FOR THE NEGATIVE.

Abbott Angel Bell Cook	Felger Ganson Henderson	Hutchinson Little Low	Montgomery Richards Sanford	Truman Woodruff Young	16
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Pending the question on the adoption of said resolution—the hour of fifteen minutes to two having arrived—the President declared the Senate adjourned until to-morrow morning at 11 o'clock.

## FRIDAY, JANUARY 31, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

Mr. Low presented a petition of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and referred to the committee on the judiciary.

Mr. Munroe presented a remonstrance of citizens of Albany, against repeal of law fixing the compensation of treasurer of said county, which was read and committed to the committee of the whole.

Mr. Pruyn presented a remonstrance on same subject, which was read and committed to the committee of the whole.

Mr. Connolly presented a petition of the Patriotic Union League of New York, for an increase of the pay of volunteers, repeal of the present system of contracting public work, altering fee offices to that of salary, and reducing high salaries to comport with the necessities of the times, which was read and referred to the committee on retrenchment.

Mr. Farrar presented a petition of citizens of Rochester, for fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act to authorize the board of supervisors of the county of Ulster, to defray certain expenses of board, transportation and so forth, of the 20th regiment of New York State Militia," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing 1st day of October, in the year 1861,' passed April 18, 1861," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the

Republic Fire Insurance company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the bill entitled "An act in relation to the publication of notices by the Contracting Board," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to appoint commissioners for laying out that portion of the city and county of New York lying north of one hundred and fifty-fifth street; and to change the plan of streets and avenues in that part of the city lying between one hundred and twenty-fifth and one hundred and forty-first street, east of the Tenth avenue and west of a line fifty feet east of the old King's Bridge road, and running parallel with said road,' passed April 7, 1860," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from his Excellency the Governor, was received and read, in the words following, to wit:

ALBANY, January 31, 1862.

*To the Senate*—I submit herewith the annual report for 1861, of receipts and expenditures of the Cooper Union for the advancement of Science and Art.

E. D. MORGAN.

Said communication was laid on the table and ordered printed.

(See Doc. No. 48.)

A further message from his Excellency the Governor, was received and read, in reply to the resolution of the Senate asking him to report to the Legislature all his acts and proceedings under and by virtue of chapter 292 of the Laws of 1861, and transmitting the report made by him to the Assembly on the 15th instant, in conformity with said law, which was laid on the table and ordered printed.

(See Doc. No. .)

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the release of certain lands and real estate of which Thomas Britton died seized, to Eleanor Britton his widow," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the trial of offences committed against joint stock associations," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for the families of volunteers in the service of the United States," reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend the charter of the village of Albion."

Mr. Robertson gave notice that he would, at an early day, ask leave to introduce a bill for the better protection of gas consumers.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill to provide for the election of a board of county auditors in Dutchess county.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill for the protection of bridges belonging to the State or under its control.

Also, a bill to provide for reimbursing the relief committee in the town of Herkimer, for moneys expended by them for the support of the families of volunteers.

In pursuance of previous notice, Mr. Young asked and obtained leave to introduce a bill entitled "An act authorizing the village of Dunkirk, in the county of Chautauqua, to purchase, take and hold land within or without the bounds of said village for a cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act in relation to acknowledgment and proof of deeds, mortgages or other instruments relating to real estate, executed out of the limits of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Cook asked and obtained leave to introduce a bill entitled "An act for the withdrawal of the circulating bills of incorporated banks whose charters have expired or may hereafter expire, and to secure the redemption thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Fireman's Benevolent Association of Buffalo,' passed March 28, 1887," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act authorizing the construction of a railroad through, upon and along certain roads in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act for the better security of human life in the Metropolitan Police district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the town of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester,' passed April 2, 1860," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to apply to the waters of Seneca lake the provisions of chapter 384 of the Laws passed by the Legislature of the State of New York, in the year 1861, and to protect the fish in said lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

The order of motions and resolutions having been announced, the President stated that the question pending at the hour of adjournment yesterday, was on the adoption of the following resolution :

*Resolved*, (if the Assembly concur,) That our Senators in Congress be and are hereby instructed to vote for the expulsion of Jesse D. Bright, Senator from Indiana, from the Senate of the United States.

Mr. Truman moved to amend by adopting the following as a substitute for said resolution :

*Whereas*, Jesse D. Bright, a member of the United States Senate, openly avows himself the author of a letter directed to "His Excellency Jefferson Davis, President of the Confederate States of America," introducing one Thomas B. Lincoln, as a person having "an improved fire-arm for sale," and as a perfectly "safe and reliable person," thereby showing his complicity with traitors; therefore,

*Resolved*, That in the opinion of the Legislature of the State of New York, Jesse D. Bright of Indiana, is a traitor, and ought to be removed from his seat in the United States Senate.

Mr. Angel moved to amend the amendment by inserting after the word "resolved," the words "if the foregoing preamble be true."

Pending the question on said motion of Mr. Angel—the hour of fifteen minutes to two having arrived—the President announced that the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## SATURDAY, FEBRUARY 1, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mayo.

The journal of yesterday was read and approved.

Mr. Hutchinson presented a petition of citizens of Orleans county, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

Also, a petition of inhabitants of Niagara city, for an amendment of their charter, which was read and referred to the committee on cities and villages.

Mr. Smith presented a petition of E. L. Bushnell and others, for the repeal of the act for widening Main street, in the city of Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Robertson presented a memorial of the President, Vice Presidents, officers and members of the New York Academy of Medicine, for the passage of the Metropolitan Health bill, which was read and referred to the committee on commerce and navigation.

Mr. Folger, from the committee on the judiciary, reported a bill entitled "An act to amend an act concerning the rights and liabilities of husband and wife, passed March 20, 1860," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the city of Schoenestady to purchase a steam fire engine," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act passed April 8, 1861, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick, into one municipal government, and to incorporate the same,' passed April 17, 1854,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the papers of James H. Sherrill and John Doty, for relief for canal damages, reported adversely thereto, which report was agreed to, and the prayer of the petitioners denied.

The President presented the annual report of the trustees of the Astor Library, for the year 1861, which was laid on the table and ordered printed.

(See Dec. No. .)

The Assembly sent for concurrence the following resolutions:

*Resolved*, (if the Senate concur,) That this Legislature regards as indispensable to the maintenance of a sound financial system, that the following measures should in substance be adopted by the Congress of the United States:

1. That a direct tax should be levied and apportioned at once among the several States, according to the provisions of the Federal Constitution, the net proceeds of which, derived from the loyal States, shall be sufficient to defray the interest of the entire indebtedness of the National Government; and that the amount of tax thus apportioned to the loyal States, and paid by them, shall be set apart and pledged to the payment of such interest.

2. That a sinking fund for the re-imbursement of the principal of the public debt be created, set apart and pledged to that use.

3. That the amount to be derived from the direct tax of \$20,000,000, levied and apportioned among the States pursuant to the act of Congress approved August 5th, 1861, together with the duties on imports, be employed to defray the current expenses of government.

4. That the direct tax to be apportioned among the several States as before proposed for the purpose of paying the interest of the national debt, be made a permanent tax to insure the prompt payment of such interest; and that it should be increased from year to year by a new apportionment to be made under the direction of the Secretary of the Treasury, whenever the increase of the national debt, duly authorized by law, shall make such apportionment necessary.

*Resolved*, That the people of the State of New York, will pay by direct taxation, their just proportion of the amount required to satisfy the inter-



est of the entire debt contracted by the Federal Government, and to be apportioned among the loyal States according to article 1, section 2, of the Constitution of the United States.

*Resolved*, That the State of New York will cheerfully co-operate with her sister loyal States, and with the Federal Government, in a willing submission to all burthens necessary to be incurred and borne, by adopting the financial policy here indicated, believing that it will command the confidence of all persons having money to lend; and that with such a system of finance, the Government will be able to obtain all the fiscal means needed for the vigorous prosecution of the present war; and under its operation, it is the judgment of this Legislature, that the Federal Government could never be subjected, under any exigency, to any probable rate of interest, or depreciation in the value of its stocks, so damaging to its credit and so injurious to the people as the obtaining of funds by the emission of government paper, to be made a legal tender, between debtor and creditor, or by the creation of a stock without specific security, for the prompt payment of interest and ultimate redemption of principal.

*Ordered*, That said resolutions be laid on the table.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to amend section 304 of the Code of Procedure.

Mr. Freer gave notice that he would, at an early day, ask leave to introduce a bill to compel insurance companies to make speedy settlement with their creditors.

Mr. Low gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 210 of Laws of 1861, in reference to summoning jurors.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Hutchinson asked and obtained leave to introduce a bill entitled "An act to amend section 12, of chapter 151 of the Laws of 1858, in relation to school district libraries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to incorporate the Homeopathic Medical Society of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for taking the acknowledgment of deeds and other written instruments by persons residing out of the State of New York,' passed April 7, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to provide for re-imbursing the relief committee of Herkimer, for moneys expended by them for the support of the families of enlisted soldiers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the bill entitled "An

act to authorize the trustees of the village of Yonkers to raise money by tax," and that the same now have its third read reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators elected voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Hardin	Ramsey	Tobey
Angel	Farrar	Little	Richards	Truman
Bell	Folger	Low	Robertson	Willard
Bradley	Freer	Montgomery	Sanford	Woodruff
Connolly	Ganson	Munroe	Smith	Young
Cook				

**26**

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853." was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Ganson	Montgomery	Robertson
Angel	Cornell	Hardin	Munroe	Sanford
Bailey	Farrar	Hutchinson	Ramsey	Truman
Bell	Folger	Little	Richards	Young
Bradley	Freer	Low		

**23**

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Freer moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to authorize the board of supervisors of the county of Ulster to defray certain expenses of board and transportation of the twentieth regiment of New York militia," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Hutchinson	Ramsey	Tobey
Angel	Farrar	Little	Richards	Truman
Bailey	Folger	Montgomery	Robertson	Willard
Bell	Freer	Munroe	Sanford	Woodruff
Bradley	Ganson	Pruyn	Smith	Young
Connolly	Hardin			

**27**

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act in relation to School District No. 6, in the town of Yonkers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Richards	Truman
Angel	Cornell	Hardin	Robertson	Willard
Bailey	Farrar	Hutchinson	Sanford	Woodruff
Bell	Folger	Little	Smith	Young
Bradley	Freer	Montgomery	Tobey	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Connolly offered the following resolution:

*Resolved*, (if the Assembly concur,) That the Clerks of the Senate and Assembly, be directed to procure one copy of the small Census Map for each member of the Legislature, for their use in apportioning the State into Congressional districts.

*Ordered*, That said resolution be laid on the table.

The order of business of motions and resolutions having been announced, the Senate resumed the consideration of the question pending at the hour of adjournment yesterday, being on the motion of Mr. Angel to amend the substitute offered by Mr. Truman for the following resolution, as offered by Mr. Richards:

*Resolved*, (if the Assembly concur,) That our Senators in Congress be and are hereby instructed to vote for the expulsion of Jesse D. Bright, Senator from Indiana, from the Senate of the United States.

Pending the question, Mr. Robertson moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Farrar	Hardin	Robertson	Willard
Connolly	Freer	Pruyn	Smith	Woodruff
Cornell	Ganson	Ramsey		

13

FOR THE NEGATIVE.

Abbott	Cook	Little	Munroe	Tobey
Angel	Folger	Low	Richards	Truman
Bailey	Hutchinson	Montgomery	Sanford	Young
Bell				

16

Mr. Pruyn moved to lay the whole subject on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Freer	Hardin	Ramsey	Willard
Cornell	Ganson	Pruyn	Robertson	Woodruff
Farrar				

11

FOR THE NEGATIVE.

Abbott	Connolly	Little	Munroe	Smith
Angel	Cook	Low	Richards	Truman
Bailey	Folger	Montgomery	Sanford	Young
Bell	Hutchinson			

17

Mr. Angel withdrew the amendment offered by him to the substitute of Mr. Truman, in the words following: "if the foregoing preamble be true."

Mr. Hutchinson moved to amend by the adoption of the following as a amendment for the amendment, as offered by Mr. Truman, to wit:

"That in the judgment of this Legislature, as representing the people of the State of New York, Jesse D. Bright, of Indiana, from the admitted and published facts, has forfeited his seat as a Senator of the United States, by complicity with treason, and that it is due to the honor of the Republic and the fidelity of the loyal men of the nation, that he be expelled from the United States Senate.

"*Resolved*, That a copy of this resolution be transmitted to our Senators in Congress."

Mr. Robertson moved to refer the whole subject to the committee on the judiciary, with instructions to examine and report whether the question is a judicial question, or within the jurisdiction of this Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bailey Connolly	Cornell Freer	Ganson Prayn	Ramsey Robertson	Willard Woodruff	10
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#### FOR THE NEGATIVE.

Abbott	Cook	Low	Richards	Tobey	
Angel	Folger	Montgomery	Sanford	Truman	
Bailey	Hutchinson	Munroe	Smith	Young	
Bell	Little				17

Mr. Truman withdrew the substitute as offered by him, in the words following :

*Whereas*, Jesse D. Bright, a member of the United States Senate, openly avows himself the author of a letter directed to "His Excellency Jefferson Davis, President of the Confederate States of America," introducing one Thomas B. Lincoln as a person having "an improved fire arm for sale," and as a perfectly "safe and reliable person," thereby showing his complicity with treason ; therefore,

*Resolved*, That in the opinion of the Legislature of the State of New York, Jesse D. Bright of Indiana, is a traitor, and ought to be removed from his seat in the United States Senate.

Mr. Truman having withdrawn his amendment, thereby withdrawing the amendment to the amendment, offered by Mr. Hutchinson.

Mr. Bell moved to amend the resolution as offered by Mr. Richards, by striking out all after the word "concur," in the original resolution, and inserting the following in lieu thereof :

"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator of the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat."

Mr. Bradley moved further to amend by striking out the words "removed from his seat," and inserting in lieu thereof the words "tried for treason."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bradley Connolly	Richards	Robertson	Truman	Woodruff	6
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#### FOR THE NEGATIVE.

Abbott	Cook	Freer	Montgomery	Smith	
Angel	Cornell	Hardin	Munroe	Tobey	
Bailey	Farrar	Hutchinson	Ramsey	Willard	
Bell	Folger	Little	Sanford	Young	20

Pending the question on the adoption of the amendment offered by Mr. Bell—the hour of fifteen minutes to two having arrived—the President announced that the Senate would stand adjourned until Monday morning at 11 o'clock.

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## MONDAY, FEBRUARY 3, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Merrill.

The journal of Saturday was read and approved.

Mr. Hardin presented two petitions of the stockholders and directors of the West Winfield bank, for an act authorizing said bank to reduce its capital stock, which was read and referred to the committee on banks.

Also, a remonstrance of citizens of Albany county, against the passage of any act changing the compensation of the treasurer of said county, which was read and committed to the committee of the whole.

Mr. Young, from the committee on manufactures, to which was referred the bill entitled "An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Lewis M. Loos for compensation for extra labor performed upon repair section No. 12 of the Erie canal, reported by bill entitled "An act to provide for the payment of work done and material furnished on Superintendent's section No. 12 of the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act for the better security of human life in the Metropolitan Police district," reported that they have amended the title so as to read as follows:—"An act to confer additional powers upon the Metropolitan Police, relating to the inspection of steam boilers," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the village of Dunkirk, in the county of Chautauque, to purchase, take and hold land within or without the bounds of said village, for a cemetery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association, of Buffalo,' passed March 23, 1837," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Middletown Savings bank," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize the trustees of the village of Yonkers to raise money by tax."

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act in relation to the dividends of Life Insurance companies," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, informing that the joint rules of the Senate and Assembly which were in force at the last session of the Legislature, had been adopted on the part of the Assembly for the government of the two Houses for the present session, with the following amendment:

Amend the 19th joint rule, in the fourth line thereof, by adding after the word "March," the words "or some day prior thereto," and requesting the concurrence of the Senate therein.

Mr. Ramsey moved that the Senate concur.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return the same to the Assembly, with a message informing that the Senate concur in the adoption of the joint rules of the last session of the Legislature, as amended by the Assembly.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' Passed April 6, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

In pursuance of previous notice, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to amend section 804 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The order of motions and resolutions having been announced, the Senate resumed the consideration of the question pending at the hour of adjournment on Saturday, being the adoption of the amendment offered by Mr. Bell to the resolution of Mr. Richards, in the words following, to wit:

"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator from the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat."

Mr. Bradley moved that the further consideration of said question be postponed until to-morrow morning, immediately after reading the journal, and that it be made the special order for that time, and that the vote be taken at one o'clock P. M., without amendment, delay or debate, if not previously disposed of.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Bradley	Freer	Montgomery	Smith	
Angel	Connolly	Ganson	Munroe	Truman	
Bailey	Cook	Hardin	Pruyn	Willard	
Bell	Farrar	Little			18

## FOR THE NEGATIVE.

Folger	Low	Richards	Sanford	Young	
Hutchinson	Ramsey	Robertson			8

Mr. Abbott offered the following resolution :

*Resolved*, That 500 copies of the annual report of the Inspectors of State Prisons be printed for the use of the Inspectors, and 1,000 copies for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Pruyn offered the following resolution :

*Resolved*, That 500 extra copies of the report of the trustees of the Astor Library be printed for the use of the trustees, and 250 copies for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Hardin offered the following resolution :

*Resolved*, That in addition to the usual number, there be printed for the use of the Senate 1,000 copies of the report of the select committee on the petitions for State aid to build the Albany and Susquehanna railroad.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Connolly called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That the Clerks of the Senate and Assembly be directed to procure one copy of the small Census Map for each member of the Legislature, for their use in apportioning the State into Congressional districts.

Mr. Connolly moved to amend by striking out the words "one copy of the small Census Map for each member of the Legislature for their use," and insert in lieu thereof the following :—"Two hundred and fifty copies of the small Census Map, for the use of the Legislature."

Mr. Truman moved further to amend by striking out "250" and inserting "175."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The order of business of general orders having been announced—

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment on Wednesday last, being the bills entitled as follows :

"An act concerning the Erie Railway company."

"An act authorizing the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

"An act authorizing the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

After some time spent therein, the President resumed the chair, and Mr.

Connolly, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Connolly, from the same committee, reported in favor of the passage of the two last named bills, with amendments.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Praye	Smith
Angel	Farrer	Little	Richards	Truman
Bradley	Freer	Montgomery	Robertson	Young
Connolly	Ganson	Munroe	Sanford	

19

## FOR THE NEGATIVE.

Hardin	Low	
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2

*Ordered*, That said bills be engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to enable the people of this State to acquire certain lands situated in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison."

"An act in relation to county treasurers."

"An act to provide for the construction of a bridge across the Oneida river, at Caughdenoy."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Bell offered the following resolution:

*Resolved*, That the Assembly resolutions in relation to levying a direct tax by Congress, be taken from the table and made a special order for Wednesday next, immediately after executive session.

Mr. Hutchinson moved to amend by striking out the words "made a special order for Wednesday next, immediately after executive session," and inserting in lieu thereof the words "referred to finance committee."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer."

"An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

After some time spent therein, the President resumed the chair, and Mr.



Richards, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

The President presented a communication from the Canal Appraisers, in reply to the resolution of the Senate, adopted January 22d, calling for certain information as to the number of claims adjudicated upon, and awards made by them from January 1851, to January 1862, which was laid on the table and ordered printed.

(See Doc. No. 24.)

The hour of fifteen minutes to two having arrived, the President announced that the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## TUESDAY, FEBRUARY 4, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Miller.

The journal of yesterday was read and approved.

The President announced the special order, being the consideration of the resolution offered by Mr. Richards instructing our Senators in Congress to vote for the expulsion of Jesse D. Bright, and stated that the question pending was on the motion of Mr. Bell to amend said resolution by striking out all after the words "(if the Assumblly concur,)" and inserting the following:

"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator of the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat."

Mr. Willard moved further to amend by striking out all after the word "concur," and inserting the following:

"That in the opinion of this Legislature, all disloyal men ought to be removed from office, whether those offices be in Congress or elsewhere."

Pending debate upon said amendment—the hour of one o'clock having arrived—the President announced that pursuant to the resolution adopted yesterday, the Senate would proceed to take the question without further delay or debate.

The President put the question whether the Senate would agree to said amendment of Mr. Willard, and it was decided in the negative, as follows:

### FOR THE AFFIRMATIVE.

Bradley	Freer	Hardin	Prayn	Robertson
Connolly	Ganson	Murphy	Ramsey	Willard
Farrar				

11

### FOR THE NEGATIVE.

Abbott	Clark	Little	Richards	Tebey
Angel	Cook	Low	Sanford	Truman
Bailey	Folger	Montgomery	Smith	Young
Bell	Hutchinson	Munroe		

18

The President put the question whether the Senate would agree to said amendment of Mr. Bell, in the words following:—"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator of the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat," and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Munroe	Smith
Angel	Farrar	Little	Richards	Tobey
Bailey	Folger	Low	Robertson	Truman
Bell	Hardin	Montgomery	Sanford	Young
Clark				

21

## FOR THE NEGATIVE.

Bradley	Freer	Murphy	Ramsey	Willard
Connolly	Ganson	Pruyn		

8

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Munroe	Smith
Angel	Farrar	Little	Richards	Tobey
Bailey	Folger	Low	Robertson	Truman
Bell	Hardin	Montgomery	Sanford	Young
Clark				

21

## FOR THE NEGATIVE.

Bradley	Freer	Murphy	Ramsey	Willard
Connolly	Ganson	Pruyn		

8

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Angel offered the following resolution:

*Resolved*, (if the Assembly concur herein,) That our Representatives in Congress be requested and our Senators instructed to be vigilant and to use all necessary efforts to expel if in their power, from Congress, from the several departments, from the Army and from the Navy, all such persons as sympathize in any way with traitors or with treason, with secession or secessionists, and who are not of known loyalty to the Government of the United States.

*Ordered*, That said resolution be laid on the table.

Mr. Folger presented a petition of inhabitants of Cayuga and Seneca counties, asking an appropriation to perfect a salt well at Montezuma, which was read and referred to the committee on the manufacture of salt.

Mr. Richards presented a petition of Jacob Dewey, for pay for lands taken for canal purposes, which was read and referred to the committee on claims.

Mr. Murphy presented a petition for the repeal of certain sections of chapter 483 of the Laws of 1860, providing for the extension of St. Felix street, Brooklyn, south from Hanson place to Atlantic street, which was read and referred to the committee on cities and villages.

Also, a petition of Jeremiah Mundell and thirty others, to repeal the act for widening Main street, Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Schoharie county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the board of supervisors of the county of Kings, to borrow money to erect a

Richards, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

The President presented a communication from the Canal Appraisers, in reply to the resolution of the Senate, adopted January 22d, calling for certain information as to the number of claims adjudicated upon, and awards made by them from January 1851, to January 1862, which was laid on the table and ordered printed.

(See Doc. No. 24.)

The hour of fifteen minutes to two having arrived, the President announced that the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## TUESDAY, FEBRUARY 4, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Miller.

The journal of yesterday was read and approved.

The President announced the special order, being the consideration of the resolution offered by Mr. Richards instructing our Senators in Congress to vote for the expulsion of Jesse D. Bright, and stated that the question pending was on the motion of Mr. Bell to amend said resolution by striking out all after the words "(if the Assumblly concur,)" and inserting the following:

"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator of the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat."

Mr. Willard moved further to amend by striking out all after the word "concur," and inserting the following:

"That in the opinion of this Legislature, all disloyal men ought to be removed from office, whether those offices be in Congress or elsewhere."

Pending debate upon said amendment—the hour of one o'clock having arrived—the President announced that pursuant to the resolution adopted yesterday, the Senate would proceed to take the question without further delay or debate.

The President put the question whether the Senate would agree to said amendment of Mr. Willard, and it was decided in the negative, as follows:

### FOR THE AFFIRMATIVE.

Bradley	Freer	Hardin	Pruyn	Robertson
Connolly	Ganson	Murphy	Ramsey	Willard
Farrar				

11

### FOR THE NEGATIVE.

Abbott	Clark	Little	Richards	Tobey
Angel	Cook	Low	Sanford	Truman
Bailey	Folger	Montgomery	Smith	Young
Bell	Hutchinson	Munroe		

18

The President put the question whether the Senate would agree to said amendment of Mr. Bell, in the words following:—"That in the opinion of the Legislature of the State of New York, Jesse D. Bright, a Senator of the United States, from the State of Indiana, is a traitor, and ought to be removed from his seat," and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Munroe	Smith
Angel	Farrar	Little	Richards	Tobey
Bailey	Folger	Low	Robertson	Truman
Bell	Hardin	Montgomery	Sanford	Young
Clark				

21

## FOR THE NEGATIVE.

Bradley	Freer	Murphy	Ramsey	Willard
Connolly	Ganson	Pruyn		

8

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Munroe	Smith
Angel	Farrar	Little	Richards	Tobey
Bailey	Folger	Low	Robertson	Truman
Bell	Hardin	Montgomery	Sanford	Young
Clark				

21

## FOR THE NEGATIVE.

Bradley	Freer	Murphy	Ramsey	Willard
Connolly	Ganson	Pruyn		

8

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Angel offered the following resolution :

*Resolved*, (if the Assembly concur herein,) That our Representatives in Congress be requested and our Senators instructed to be vigilant and to use all necessary efforts to expel if in their power, from Congress, from the several departments, from the Army and from the Navy, all such persons as sympathize in any way with traitors or with treason, with secession or secessionists, and who are not of known loyalty to the Government of the United States.

*Ordered*, That said resolution be laid on the table.

Mr. Folger presented a petition of inhabitants of Cayuga and Seneca counties, asking an appropriation to perfect a salt well at Montezuma, which was read and referred to the committee on the manufacture of salt.

Mr. Richards presented a petition of Jacob Dewey, for pay for lands taken for canal purposes, which was read and referred to the committee on claims.

Mr. Murphy presented a petition for the repeal of certain sections of chapter 483 of the Laws of 1860, providing for the extension of St. Felix street, Brooklyn, south from Hanson place to Atlantic street, which was read and referred to the committee on cities and villages.

Also, a petition of Jeremiah Mundell and thirty others, to repeal the act for widening Main street, Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Schoharie county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the board of supervisors of the county of Kings, to borrow money to erect a

court house for said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to apply to the waters of Seneca lake the provisions of chapter 384 of the Laws passed by the Legislature of the State of New York, in the year 1861, and to protect the fish in said water," reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to amend an act entitled 'An act for the preservation of moose, wild deer, birds and fish,' passed April 14, 1860," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

"An act to provide for the construction of a bridge across the Oneida river, at Caughdenoy."

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

The President presented the annual report of the executive committee of the State Normal School, which was laid on the table and ordered printed.

(See Doc. No. 50.)

Mr. Pruyn offered the following resolution:

*Resolved*, That 1,500 extra copies of the report of the executive committee of the State Normal School be printed for the use of the trustees, and 2,500 copies for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to regulate the sale of poisons, passed April 16, 1860."

Mr. Clark gave notice that he would, at an early day, ask leave to introduce a bill authorizing the appraisal and payment of damages to Buel Race, caused by a break in the Chenango canal, in Oxford, Chenango county.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act relating to the jail and penitentiary, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to close part of Partition street, in the Twelfth ward of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend

the Revised Statutes in relation to trials by jury,' passed April 13, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act regulating the sale of hay and straw in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

In pursuance of previous notice, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act defining and regulating the powers, duties and compensation of the Captain of the port, and Harbor Masters of the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act authorising the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal in the town of Gaines, Orleans county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Ramsey	Tobey
Angel	Farrar	Little	Richards	Truman
Bell	Folger	Munroe	Sanford	Willard
Bradley	Freer	Murphy	Smith	Young
Connolly	Ganson	Pruyn		

20

## FOR THE NEGATIVE.

Low

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorising the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Smith
Angel	Cook	Hardin	Murphy	Tobey

Bailey	Farrar	Hutchinson	Pruyn	Truman	
Bell	Folger	Little	Richards	Willard	
Bradley	Freer	Montgomery	Sanford	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the construction of a bridge across the Oneida river at Caughdenoy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Smith	
Angel	Farrar	Little	Ramsey	Tobey	
Bailey	Folger	Low	Richards	Truman	
Bell	Freer	Montgomery	Robertson	Willard	
Bradley	Ganson	Munroe	Sanford	Young	
Connolly	Hardin	Murphy			28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Little offered the following resolution:

*Resolved*, That Senate bills Nos. 8, 22, 25 and 33, being the bills entitled as follows:

"An act to regulate the dividends of Fire Insurance companies, and to provide for the retention of a sum ample to cover unearned premiums."

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853."

"An act to amend an act entitled 'An act for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies,' passed June 24, 1853."

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853."

Be taken from the general orders and recommitted to the committee on insurance companies.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Willard moved that the Senate resolve itself into a committee of the whole on the bill entitled "An act for the better support of roads and bridges in the village and town of Saratoga Springs."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported that they have made amendments to said bill; also amended the title so as to read as follows:—"An act to amend the charter of the village of Saratoga Springs," and as amended, recommend its passage.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Hardin, the Senate adjourned.

## WEDNESDAY, FEBRUARY 5, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Merrill.

The journal of yesterday was read and approved.

Mr. Pruyn presented a remonstrance of citizens of New Scotland and Bethlehem, against repeal of the law making the office of county treasurer in Albany county, a salaried office, which was read and committed to the committee of the whole.

Mr. Ramsey presented a petition of citizens of Schoharie county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Willard presented a petition of Joseph White, in relation to a road between Canajoharie and Cherry Valley, which was read and referred to the committee on roads and bridges.

Mr. Bell presented a petition of citizens of Utica, for the passage of an act requiring receivers of insolvent insurance companies to give security for costs in all suits brought or to be brought by them, which was read and referred to the committee on insurance companies.

Mr. Henderson presented a petition of citizens of Otsego county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Montgomery presented a memorial of the board of supervisors of the county of St. Lawrence, for the repeal of so much of the present military law as imposes military taxes on enlisted soldiers, which was read and referred to the committee on militia and public defence.

Mr. Smith presented a petition of Rev. Evan M. Johnson, Dr. Pise and sixteen other clergymen of the city of Brooklyn, in favor of the act concerning the public health of the counties of New York, Kings and Richmond, and the waters thereof, which was read and referred to the committee on commerce and navigation.

Also, a petition of A. B. Smith and others, Homeopathic physicians, for the incorporation of a State Medical Society, which was read and referred to the committee on medical societies.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the punishment of crimes in certain cases,' passed April 11, 1856," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the punishment of crimes, and concerning persons confined in State prisons," reported that they have made amendments thereto, and also amended the title so as to read as follows:—"An act to alter the term for which criminals may be sentenced to the State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent supervisors from holding county offices



and taking certain contracts," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of E. B. Spooner, for a law to make four newspapers publish ordinances of Brooklyn, reported adversely thereto, which report was agreed to and said petition denied.

Mr. Munroe, from the select committee appointed at the last session of the Senate, consisting of Messrs. Grant, P. P. Murphy and Munroe, in pursuance of the following resolutions :

*Resolved*, That a committee of three be appointed by the Chair to investigate the charges of malfeasance in office made against New York Harbor Masters, with power to send for persons and papers.

*Resolved*, That the select committee appointed to investigate charges of malfeasance in office made against New York Harbor Masters, be authorized, if in their judgment the best interests of the State demand it, to continue and conclude their investigation during the recess of the Legislature, and extend the same to the examination of charges against the Port Wardens of the port of New York, and that said committee have power to send for persons and papers, and furnish an early report to the Governor of the State and the next Legislature."—reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 38.)

By unanimous consent, Mr. Low, from the committee on public printing, reported that the committee have conferred with the Assembly committee, and have agreed upon the following number of copies of reports to be ordered by the Senate, to wit :

1. Of the report of the State Engineer and Surveyor, on harbor encroachments, 250 copies for the Senate, and 1,000 copies for the State Engineer and Surveyor.
2. Of the report of the committee to examine public accounts, for the department 250 copies, and for the Senate 250 copies.
3. Of the report of the Auditor, showing the expenditure on the canals, for the Senate 250 copies.
4. Of Inspectors of State Prisons, for the department 500 copies.
5. Of report of Superintendent of Banking Department, for the department 500 copies.
6. Of report of Superintendent of Public Instruction, for the Senate 1,000 copies. for the department 500 copies.
7. Of report of State Engineer and Surveyor, on canals, for the Senate 500 copies.
8. Of report of Canal Commissioners, for the Senate 500 copies, and 500 copies for Commissioners.
9. Of the Auditor's report, financial report, for the Senate 500 copies.
10. Of the Comptroller's report, for the Senate 1,000 copies.
11. That in addition to the usual number, there be printed for the use of the Senate 500 copies of the report of the select committee on the petitions for State aid to build the Albany and Susquehanna railroad.
12. That 500 extra copies of the report of the trustees of the Astor Library, be printed for the use of the trustees, and 250 for the use of the Senate.
13. Of the State Military Board, for the Senate 500 copies.
14. Of report of Engineer-in-Chief, for the Senate 500 copies.
15. Of report of New York Asylum for Insane Convicts, for the Asylum 800 copies.

16. That 1,500 copies of the report of the executive committee of the State Normal School be printed for the use of the trustees, and 2,500 copies for the use of the Legislature.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to amend the charter of the village of Saratoga Springs."

Mr. Bailey presented the annual report of the managers of the State Lunatic Asylum, which was laid on the table and ordered printed.

(See Doc. No. 51.)

The Assembly returned the bill entitled "An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county," with a message that they had concurred in the passage of the same, with the following amendments :

Add at the end of section 8, engrossed bill the following :

"The board of alms shall audit and allow all charges and expenses incurred under their direction for the relief of the poor chargeable to the town, including expenses and the compensation of officers, and shall report the same through the supervisor, to the board of supervisors of the county, who shall, after auditing the expenses chargeable to the county, apportion the expenses so audited to the town and county respectively, and shall cause the same to be inserted in the tax lists and received as town and county charges."

Insert the following as section 10 :

"§ 10. Nothing contained in this act, shall be so construed, as in any way to interfere with the powers of the board of supervisors in relation to the auditing of the poor accounts of the county."

Change the number of section 10, engrossed bill, to section 11.

Mr. Hardin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Tobey
Angel	Cornell	Hutchinson	Ramsey	Truman
Bell	Farrar	Little	Richards	Willard
Bradley	Folger	Low	Sanford	Woodruff
Clark	Ganson	Manroe	Smith	Young
Connolly				

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to amend the act concerning the proof of wills, &c., passed May 16, 1887.

Mr. Smith gave notice that he would, at an early day, ask leave to introduce a bill to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads, with hospital accommodations.

Mr. Connolly gave notice that he would, at an early day, ask leave to introduce a bill for the better regulation of the present sanitary departments, in the city of New York.

Also, an act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called "The New York County Court House Stock," and to authorize the commissioners of the Sinking Fund to receive and purchase said stock.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act in relation to Glebe lands in the village of Newburgh, Orange county,' passed April 10, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of gas companies,' passed February 16, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act concerning the public health of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to regulate the sale of poison,' passed April 16, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogate courts,' passed May 16, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Clark asked and obtained leave to introduce a bill entitled "An act authorizing the appraisal and payment of damages to Buel Race, caused by a break in the Chenango canal, in the town of Oxford, Chenango county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The bill entitled "An act to amend the charter of the village of Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott  
Angel

Clark  
Cook

Ganson  
Hardin

Murphy  
Ramsay

Tobey  
Truman

Bailey	Cornell	Hutchinson	Richards	Willard	
Bell	Folger	Low	Sanford	Woodruff	
Bradley	Freer	Montgomery	Smith	Young	35

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Murphy—

*Resolved*, That his Excellency the Governor be requested, if consistent with the public interest, to communicate to the Senate, in executive session, the facts connected with the complaint made to him in December last by Capt. R. W. Trundy and others, against J. W. Taylor, Harbor Master in the city of New York.

On motion of Mr. Richards—

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Jacob C. Dewey, and that the petitioner have leave to withdraw his petition.

Mr. Bailey offered the following resolution ;

*Resolved*, That 1,000 copies of the report of the managers of the State Lunatic Asylum, be printed for the use of the Senate, and 8,000 copies for the use of said managers.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate then resumed the consideration of the general orders, pending at the hour of going into executive session, being the bills entitled as follows :

"An act to extend the provisions of chapter 83, of the Laws of 1861, to the county of Columbia."

"An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof."

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose."

After some time spent therein, the President resumed the chair, and Mr. Hardin, from said committee, reported that they have made sundry amendments to the first named bill, and have also amended the title so as to read as follows:—"An act to extend the provisions of chapter 83, of the Laws of 1861, to the counties of Columbia and Herkimer, and to amend the same," and as amended, recommend its passage ; which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hardin, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Tobey moved that the bill entitled "An act to authorize the incorporated banks of the State to take and hold any stock of the United States

or of the State of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President presented the annual report of the Canal Appraisers, which was laid on the table and ordered printed.

(See Doc. No. 52.)

On motion of Mr. Bailey, the Senate went into committee of the whole on the annual message of his Excellency the Governor.

After some time spent therein, the President resumed the chair, and Mr. Abbott, from said committee, reported progress, and asked leave to sit again.

Mr. Bailey moved that the committee of the whole be discharged from the further consideration of said message, and that the following resolution be adopted; to wit:

*Resolved*, That so much of said message as relates to the finances of the State, to the assessment laws, to the imposition of tolls upon railroads, the direct taxes imposed by enactments of Congress, the transportation of convicts and expenses of executing writs of requisition upon Governors of other States, be referred to the committee on finance.

That so much as relates to the canals of this State, be referred to the committee on canals.

That so much as relates to the laws in relation to capital punishment, to the discretion to be conferred upon judges in fixing the terms of sentence of criminals, to the authorizing of aliens to acquire, hold and convey real estate, to the imprisonment of females, to the revision of the laws applicable to breaches of trust and to persons acting in fiduciary capacities, to the conferring of power upon the Governor to suspend for misbehavior during the recess of the Senate all officers whose removal or suspension is not provided for already, to the constitutionality of the income law, to the adoption of an equitable system of relief for the families of volunteers, be referred to the committee on the judiciary.

That so much as relates to State prisons, their fiscal management and discipline, and the mode of contracting the labor of criminals, be referred to the committee on State prisons.

That so much as relates to education, the introducing of military tactics as a part of the course of instruction into colleges, academies and common schools, etc., be referred to the committee on literature.

That so much as relates to banks and the Banking Department, be referred to the committee on banks.

That so much as relates to the Onondaga salt springs, be referred to the committee on the manufacture of salt.

That so much as relates to Quarantine affairs, the revision of the Quarantine laws, provisions for the sick, power of the Health Officer over the Floating Hospital, and the abolition of the office of physician of the Marine Hospital, to Harbor Masters and Commissioners of Pilots, be referred to the committee on commerce and navigation.

That so much as relates to the Metropolitan Police, to the enlargement of the powers of supervisors, to amendments of existing laws affecting the powers of supervisors and town boards, the license laws, etc., be referred to the committee on the internal affairs of towns and counties.

That so much as relates to benevolent institutions, to the department of public charities and corrections, to instruction of truant children, etc., be referred to the committee on charitable and religious societies.

That so much as relates to the militia, revising of the militia laws, to the public defence, etc., be referred to the committee on the militia and public defence.

That so much as relates to the Central park, sanitary supervision and the public health of the city of New York, the annual tax levy, etc., be referred to the committee on cities and villages.

And that these several committees are hereby instructed to inquire into the several subjects respectively referred to them, and to report upon the same at as early a day as practicable, during the present session of the Legislature.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the protection of fish in the upper portion of the Niagara river."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

"An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York."

After some time spent therein, the President resumed the chair, and Mr. Cornell, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer."

Assembly bill, "An act to authorize the supervisors of Tompkins county, to reimburse certain expenses to Frederick H. Miller, of Lansing."

Also, "An act to limit the compensation of the members of the board of supervisors of the county of Monroe."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress on said first named bill, and asked leave to sit again.

Mr. Truman moved that the committee of the whole be discharged from the further consideration of said bill, and that it be recommitted to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, to recommit, and it was decided in the affirmative.

Mr. Bailey, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Abbott, the Senate adjourned.

THURSDAY, FEBRUARY 6, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Miller.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of citizens of Tioga county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Smith presented a petition of Cyrus P. Smith and others, asking the passage of the act concerning the public health of the counties of New York, Kings and Richmond, which was read and referred to the committee on commerce and navigation.

Mr. Hardin presented a remonstrance of citizens of Cohoes, Albany Co., against repealing the law making the office of treasurer of said county a salaried office, which was read and committed to the committee of the whole.

Mr. Murphy presented a petition of John P. Garrison, John Dickinson and thirty others, asking for the repeal of the act extending Main street, in the city of Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Truman, from the committee on claims, to which was referred the petition and papers relating to the claim of Gertrude C. Doe, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act to authorize the Greenwood Cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of William Rumble and others," reported adversely thereto.

Mr. Angel moved to disagree with the report of the committee, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the better protection of sheep," reported that they have made sundry amendments thereto, and have also amended the title so as to read as follows:—"An act to provide for the taxation of dogs, and for the collection thereof, and to create a fund to pay for damages inflicted upon sheep by dogs," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Charles Richardson and other citizens of Morristown, St. Lawrence county, for the passage of a law for the relief of the families of volunteers of said town, reported by bill entitled "An act for the relief of the families of the New York State volunteers, in the town of Morristown," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to acknowledgment and proof of deeds, mortgages or other instruments relating to real estate, executed out of the limits of the United States," reported that they have made sundry amendments thereto, and have also amended the title so as to read as follows:—"An act in relation to the acknowledgment or proof of the execution of instruments of writings by persons out of this State," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, reported a bill entitled "An act to empower the Court of General Sessions of the Peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of John F. Packard and Henry Hoffman, for a release as sureties on a contract for canal repairs, reported adversely to the same.

Mr. Folger moved to disagree with the report of the committee, and refer said petition to the committee of the whole.

The President put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to plank roads and turnpike roads," reported that they have made an amendment thereto, and have also amended the title so as to read as follows:—"An act in relation to the Union Turnpike company," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

"An act to limit the compensation of the members of the board of supervisors of the county of Monroe."

"An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States deposited with the State of New



York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof."

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to authorize the board of supervisors of the county of Ulster to defray certain expenses of board, transportation, &c., of the twentieth regiment of New York militia."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly sent for concurrence the following entitled bills :

"An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Assembly returned the following entitled bill :

"An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county."

*Ordered*, That the Clerk deliver said bill to the Governor.

The President presented the thirty-seventh annual report of the managers of the Society for the Reformation of Juvenile Delinquents, in the city of New York, which was laid on the table and ordered printed.

(See Doc. No. 54.)

In pursuance of previous notice, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads, with hospital accommodations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act for the protection of bridges belonging to the State, or under its control," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The third reading of the bill entitled "An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof," having been announced—

On motion of Mr. Folger and by unanimous consent, said bill was amended by striking out the words "at least," in line 5, section 1 of engrossed bill.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Ramsey	Truman
Bell	Folger	Low	Richards	Willard
Bradley	Freer	Montgomery	Robertson	Woodruff
Connolly	Ganson	Murphy	Tobey	Young
Cook	Hardin	Pruya		

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," having been announced—

Mr. Ganson moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The third reading of the bill entitled "An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York," having been announced—

Mr. Tobey moved to recommit said bill to the committee on banks, with instructions to amend by inserting after the words "New York" in line 3, section 1, engrossed bill, the words "or any banking association or individual banker." Also, in line 2, section 2, engrossed bill, after the word "banks," the words "or authorizing the business of banking, and the acts amendatory thereof," and report the same forthwith to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cook, from the committee on banks, reported said bill back with amendments, as instructed by the Senate.

Mr. Hardin moved to recommit said bill to the committee on banks, with instructions to amend by inserting after the words "United Staates," in line 4, section 1, engrossed bill, the words "or treasury notes," and report the same back forthwith to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Montgomery	Tobey
Angel	Cook	Ganson	Murphy	Truman
Bell	Cornell	Hardin	Pruya	Willard
Bradley	Farrar	Hutchinson	Ramsey	Woodruff
Clark	Folger	Low	Richards	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to limit the compensation of the members of the board of supervisors of the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Montgomery	Truman
Angel	Cook	Ganson	Murphy	Willard
Bell	Cornell	Hardin	Ramsey	Woodruff
Bradley	Farrar	Hutchinson	Richards	Young
Clark	Folger	Low	Tobey	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ramsey called for the consideration of the following resolutions from the Assembly :

*Whereas*, The health and comfort in the camp, and the highest efficiency in the field, of our volunteer soldiers who have so nobly offered their lives to the country in the present war, are of the most vital importance to the nation ; and whereas, by the present army rations they are entirely deprived of the articles of butter and cheese, heretofore deemed by them a necessary of life, while their daily allowance of flour and meat is so great that the excess is either thrown away, or its avails appropriated by dishonest officials or contractors ; and,

*Whereas*, The butter and cheese interests, the greatest agricultural interest of this State—an interest greater than any other three farming interests combined—is and has been suffering more than any other, since the Southern market has been destroyed ; therefore,

*Resolved*, (if the Senate concur,) That our Senators be instructed, and our Representatives be requested, to use their efforts in Congress to so amend existing regulations, that butter and cheese may be included in the army rations ; and also, that the quantity of any articles now existing therein to excess be diminished.

Mr. Ramsey moved to amend by striking out the following words :

“*And whereas*, The butter and cheese interests, the greatest agricultural interest of this State—an interest greater than any other three farming interests combined—is and has been suffering more than any other, since the Southern market has been destroyed ; therefore,”

Pending the question on said motion—

Mr. Ramsey moved that said resolutions be laid on the table and printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abbott offered the following resolution :

*Resolved*, That 500 copies of the report of the Canal Appraisers be printed for the use of the Assembly, and 500 copies for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## FRIDAY, FEBRUARY 7, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Merrill.

The journal of yesterday was read and approved.

Mr. Bell presented a petition of Hon. James F. Starbuck and twenty-eight other business men of Watertown, Jefferson county, against a reduction of sheriffs fees, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented a petition of the common council of the city of Albany, praying for an amendment of the Excise Law of said city, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Truman presented a petition of citizens of Tioga county, for the extension of the Chenango canal, which was read and referred to the committee on canals.

Mr. Ramsey presented a petition of James E. Van Horn, Mordecai Lothoridge and others, for relief, which was read and referred to the committee on claims.

Mr. Pruyn presented a remonstrance of citizens of Bethlehem, against repeal of the law making the office of treasurer of Albany county, a salaried office, which was read and committed to the committee of the whole.

Also, a remonstrance of the board of supervisors of said county, on the same subject, which was read and committed to the committee of the whole.

Mr. Folger presented a petition of Silas C. Brown and others, for security for costs by receivers of insolvent insurance companies, which was read and referred to the committee on insurance companies.

Mr. Sanford presented a petition of F. D. Van Wagener, for relief, which was read and referred to the committee on claims.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to close part of Partition street, in the Twelfth ward of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the petition of George Beach and others, for the repeal of certain sections of chapter 483 of the Laws of 1860, providing for the extension of St. Felix street, Brooklyn, south from Hanson place to Atlantic street, reported by bill entitled "An act to repeal the first and second sections of an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum for Insane Convicts,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1863," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to extend the provisions of chapter 83 of the Laws of 1861, to the counties of Columbia and Herkimer, and to amend the same."

Mr. Angel, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows:

"An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York."

Mr. Willard, from the committee on the judiciary, to which was referred so much of the annual message of his Excellency the Governor as relates to the laws concerning capital punishment, reported in writing, by bill entitled "An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 40.)

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the managers of the State Lunatic Asylum, and also of the Canal Appraisers, reported in favor of the adoption of the following resolutions:

*Resolved*, That 1,000 copies of the report of the managers of the State Lunatic Asylum, be printed for the use of the Senate, and 2,000 copies for the use of said managers.

*Resolved*, That 500 copies of the report of the Canal Appraisers be printed for the use of the Appraisers, and 500 copies for the use of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

The President presented a communication from the Commissioners of the Land Office, in relation to certain amendments of chapter 282, Laws of 1861, which was referred to the committee on the judiciary, and ordered printed.

(See Doc. No. 39.)

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to extend the provisions of chapter 83, of the Laws of 1861, to the counties of Columbia and Herkimer, and to amend the same."

Mr. Willard gave notice that he would, at an early day, ask leave to introduce a bill to authorize the appraisal and payment of the claim of Moses Berzee.

Mr. Connelly gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to alter the map or plan of the city of New York, passed April 17, 1860."

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to amend the act passed 1857, regulating the sale of intoxicating drinks.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to amend the statutes as to banking associations and private bankers.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to authorize the common council of the city of Buffalo to borrow money," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Sanford
Angel	Farrar	Hutchinson	Murphy	Smith
Bell	Folger	Little	Ramsey	Tobey
Bradley	Freer	Low	Richards	Woodruff
Clark	Ganson	Montgomery	Robertson	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Abbott asked and obtained leave to introduce a bill entitled "An act to provide for the examination of the accounts of the Treasurer, and Canal Department, and the securities of the Bank Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Hutchinson asked and obtained leave to introduce a bill entitled "An act in relation to recoveries against school officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend an act passed April 27, 1847, entitled 'An act to provide for additional challenges to jurors,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the

State,' passed April 17, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to extend the provisions of chapter 88, of the Laws of 1861, to the counties of Columbia and Herkimer, and to amend the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Hardin	Ramsey	Tobey
Angel	Farrar	Montgomery	Richards	Truman
Bell	Folger	Munroe	Robertson	Woodruff
Bradley	Freer	Murphy	Sanford	Young
Clark	Ganson	Pruyn	Smith	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the protection of fish in the upper portion of the Niagara river," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Little	Pruyn	Smith
Angel	Folger	Low	Ramsey	Tobey
Bell	Freer	Montgomery	Richards	Truman
Bradley	Ganson	Munroe	Robertson	Woodruff
Clark	Hardin	Murphy	Sanford	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the supervisors of Tompkins county, to reimburse certain expenses to Frederick H. Miller, of Lansing," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Low	Richards	Tobey
Angel	Cook	Montgomery	Robertson	Truman
Bell	Ganson	Murphy	Sanford	Woodruff
Bradley	Hardin	Pruyn	Smith	Young
Clark	Little			

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**FOR THE NEGATIVE.**

Folger

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Robertson moved that the Senate do now adjourn until Monday evening next, at seven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Quinn	Low	Robertson
Baugh	Farrar	Hardin	Montgomery	Tobey
Clark	Felger	Hutchinson	Prays	Woodruff
Connelly	Freer	Little	Richards	Young

20

FOR THE NEGATIVE.

Angell	Cook	Munroe	Sanford	Truman
Bell				

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The President thereupon declared that the Senate would stand adjourned until Monday evening next, at seven o'clock.

MONDAY, FEBRUARY 10, 1862.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The President being absent, the Senate was called to order by the Clerk. Prayer by Rev. Dr. Magoon.

Mr. Truman moved that the Senate take a recess for fifteen minutes.

Mr. Ramsey moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Clerk thereupon declared the Senate adjourned until to-morrow morning, at 11 o'clock.

TUESDAY, FEBRUARY 11, 1862.

The Senate met pursuant to adjournment.

In the absence of the President, the Senate was called to order by the Clerk.

Prayer by Rev. Mr. Morrow.

Mr. Munroe offered the following resolution :

*Resolved*, That Hon. James A. Bell be and hereby is appointed President *pro tem.* of the Senate for this session.

The Clerk put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Bell on taking the chair, addressed the Senate in the words following, to wit :

*Fellow Senators* :—I cannot in justice to my own feelings, suffer this occasion to pass without tendering you my sincere thanks for this expression of your confidence. The honor of presiding over the deliberations of of the Senate of the State of New York is in the present instance materially heightened, by the fact, that it is composed of men of such conceded and eminent ability ; possessing, in an unusual degree the confidence of the entire people. History does not record, or my memory fails to recall a period so free from party feeling and party strife—many of these seats are occupied by Senators who represent the united views of their entire constituencies—around this circle the varied institutions and interests of this State



are ably represented. In entering upon the discharge of the duties which your partiality has conferred upon me, permit me to assure you, that as I may, from time to time, be called to occupy this chair, it will be my earnest desire, as it is my duty, to impartially apply, and faithfully enforce the rules you have adopted for the government of your deliberations. Trusting in your kind forbearance and cordial co-operation, which I hereby earnestly solicit, I accept the honors and responsibilities which the passage of your resolution confers upon me. Please accept a renewal of my thanks for this unsought evidence of your high consideration.

On motion of Mr. Ramsey and by unanimous consent—

*Resolved*, That a committee of two be appointed to inform the Honorable the Assembly of the election of Hon. James A. Bell as President *pro tem.* of the Senate.

The President appointed Messrs. Ramsey and Bradley, as such committee.

The journals of Friday last and of yesterday were then read and approved.

Mr. Montgomery, on behalf of Mr. Bell, presented a petition of Wooster Sherman and fifty other citizens of Watertown, Jefferson county, for a law assessing individual bankers as other capitalists are assessed, which was read and referred to the committee on finance.

Mr. Little presented a memorial of citizens of Warren county, for the laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes on certain lands in said county for that purpose, which was read and committed to the committee of the whole.

Mr. Low presented a petition of citizens of the county of Wayne, for the re-adoption of the amendments to the Constitution in regard to the sale of intoxicating liquors, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Sanford presented a petition of the board of supervisors of Oswego county, for the repeal of an act of 1861, amendatory of the general act authorizing the formation of companies for manufacturing purposes, which was read and referred to the committee on manufactures.

Mr. Cook presented a petition of Marcus M. Case for canal damages, in consequence of the inundation of his lands near the head of Seneca Lake, by act of the State officers, which was read and referred to the committee on claims.

Also, a petition of Clark J. Baskin, on same subject, which was read and referred to the committee on claims.

Also, a petition of R. Lockwood, on same subject, which was read and referred to the committee on claims.

Also, a petition of G. G. & M. D. Freer, on same subject, which was read and referred to the committee on claims.

Mr. Murphy presented a petition of residents of the city of Brooklyn, for the repeal of the act laying out a public park and parade ground in said city, which was read and referred to the committee on cities and villages.

Mr. Low presented a petition of citizens of Sullivan county, for a law to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and referred to the committee on the judiciary.

Also, a petition of citizens of Wayne county, for the re-adoption of the amendments to the Constitution in regard to the sale of intoxicating liquors, which was read and referred to the committee on internal affairs of towns and counties.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1858."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the official list of members and officers of the Legislature, reported in favor of the adoption of the following resolution :

*Resolved*, That 200 copies of the list of members and officers of the Legislature be printed for the use of the Senate, and 40 on card board.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to authorize the common council of the city of Buffalo to borrow money."

On motion of Mr. Pruyn and by unanimous consent—

*Resolved*, That a committee of two be appointed to inform his Excellency the Governor, that the Hon. James A. Bell has been elected President *pro tem*, of the Senate for the session.

The President appointed Messrs. Pruyn and Young as such committee.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred so much of the Governor's message as relates to amendments of existing laws affecting the powers of boards of supervisors, reported by bill entitled "An act respecting the powers and duties of the boards of supervisors, and proceedings against them," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills :

"An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to repeal section 1, of chapter 48 of Laws of 1851, and chapter 415 of Laws of 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of James Irving, and to legalize and confirm in him the title to certain real estate and premises in the city of Rochester, acquired by deed from Hugh McGowan, an alien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the official acts of Nathan T. Young as justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend chapter 818 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861," which was read the first time.

and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to appropriate the proceeds of the State tax for the support of common schools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act in relation to actions upon premium notes given to Mutual Insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to constitute the village of Lowville, in the county of Lewis, a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,' passed April 13, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend an act entitled 'An act to perpetuate the evidence of the deaths of Nicholas Van Staphorst and others, passed May 18, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the corporation called the Baptist Missionary Convention of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to enable the electors of the town of Johnstown to vote by districts for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the relief of Stephen Van Alstyne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The Assembly returned the resolution directing the Clerks of the Senate and Assembly to procure 175 copies of the small Census Map for the use of the Legislature in apportioning the State into Congressional districts, with a message that they had non-concurred in the passage of the same.

The Assembly sent for concurrence the following resolution:

*Resolved*, (if the Senate concur,) That 1,000 copies of the report of the Superintendent of Public Instruction be printed for the use of said Superintendent, in addition to what has already been ordered, and that twenty copies be printed for each member, and officer of the Senate and Assembly.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Connolly and by unanimous consent—

*Resolved*, That the Clerk be authorized to procure fifty small Census Maps for the use of the Senate in apportioning the State into Congressional districts.

Mr. Prayn, from the committee appointed to wait upon his Excellency the Governor and inform him of the election of Hon. James A. Bell as

President *pro tem.* of the Senate, reported that they had discharged that duty, and that his Excellency was pleased to say he would govern himself accordingly.

The President presented a communication from B. P. Johnson, Esq., Secretary of the State Agricultural Society, in the words following, to wit:

ALBANY, Feb. 8, 1862.

Hon. R. CAMPBELL, *President Senate*:

SIR—I am desired by the executive committee of the New York State Agricultural Society, to invite the Honorable the Senate to be present at the annual meeting of the Society, to be held at the Assembly chamber, on Wednesday afternoon and evening, the 12th instant.

I am very respectfully yours, B. P. JOHNSON, *Cor. Sec'y.*

On motion of Mr. Abbott, said invitation was accepted.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to enable the town of Salisbury, Herkimer county, to raise funds to reimburse expenditures for the relief of volunteers.

Mr. Angel gave notice that he would, at an early day, ask leave to introduce a bill to amend chapter 5 of the Code of Procedure.

Also, a bill to authorize the payment of interest on certain canal drafts protested for non-payment.

In pursuance of previous notice, Mr. Willard asked and obtained leave to introduce a bill entitled "An act to authorize the appraisal and payment of the claim of Moses Berzee," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend section 399 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Freer asked and obtained leave to introduce a bill entitled "An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

In pursuance of previous notice, Mr. Connolly, on behalf of Mr. Wodruff, asked and obtained leave to introduce a bill entitled "An act supplementary and amendatory to an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Montgomery, on behalf of Mr. Bell, asked and obtained leave to introduce a bill entitled "An act in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to amend subdivision 2, of section 58 of the Code of

Procedure," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to repeal the act entitled 'An act to widen Main street, in the city of Brooklyn, passed April 13, 1861,' and to provide for the expenses incurred under the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

On motion of Mr. Angel—

*Resolved*, That the papers in the matters of the application of Andrew Kingsley and another, for the payment of interest on certain canal drafts protested for non-payment, be taken from the files and referred to the standing committee on claims.

On motion of Mr. Angel—

*Resolved*, That the Clerk of the Senate be instructed to report to the Senate the cost of the diagrams of the Senate chamber, authorized by the resolution of that body.

Also, that the Clerk of the Assembly be requested to report to the Senate the cost of the diagrams of the Assembly chamber, authorized by the resolution of that body.

The Senate resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment on Thursday last.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## WEDNESDAY, FEBRUARY 12, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Magoon.

The journal of yesterday was read and approved.

Mr. Montgomery, on behalf of Mr. Bell, presented a petition of real estate owners of the city and State of New York, in relation to the assessment laws, which was read and referred to the committee on finance.

Mr. Angel presented a petition of Hugh McCartney and others, for the division of Livingston county into two jury districts, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

Mr. Hutchinson presented a petition of citizens of Orleans county, for a law to enable the supervisors to borrow money for the support of the families of volunteers, which was read and referred to the committee on the judiciary.

Also, a memorial of citizens of same county, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

Mr. Farrar presented a petition of James Sperry for relief, which was read and referred to the committee on grievances.

Mr. Willard presented a remonstrance of Allen and Joseph Fellows, against the passage of the bill laying out and constructing highways in Hamilton county, which was read and committed to the committee of the whole.

Mr. Willard presented a petition of commissioners of highways of Saratoga Springs, for the better support of roads and bridges therein, which was read and referred to the committee on roads and bridges.

Mr. Tobey presented a petition of the governors of Marshall Infirmary, Troy, for an act opening the Insane Asylum at Auburn for the reception of dangerous insane patients, which was read and referred to the committee on charitable and religious societies.

Mr. Little presented a petition of the board of trustees of Troy University, for an appropriation to said institution, which was read and referred to the committee on literature.

Mr. Hardin presented a petition of citizens of Otsego county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Also, four several petitions of citizens of this State for an amendment of the act to provide for the incorporation of religious societies, which were read and referred to the committee on charitable and religious societies.

Mr. Ramsey presented a petition of citizens of Schoharie county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Abbott presented a petition of eighty-five citizens of Wayne county, for a law compelling receivers of insolvent insurance companies to give security for costs, which was read and referred to the committee on insurance companies.

Mr. Willard presented a petition of R. D. Hulin and others, for an act to dissolve a religious corporation in Saratoga Springs, which was read and referred to the committee on charitable and religious societies.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the bill entitled "An act relating to the jail and penitentiary in the county of Kings," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the more effectual draining of certain swamps and low lands in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Murphy moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long

Island railroad company,' " and that the same be recommitted to the committee on railroads.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend chapter 813 of Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings and fortifications, and their appurtenances,' passed April 18, 1861," reported in favor of the passage of the same.

Mr. Folger moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the bill entitled "An act to amend chapter 866 of the Laws of 1859, entitled 'An act to establish an Insurance department,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly moved that the committee on internal affairs of towns and counties be discharged from the further consideration of the bill entitled "An act supplementary and amendatory to an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," and that the same be returned to Senator Woodruff.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, and the Oswego and Syracuse railroad.

Mr. Ramsey gave notice that he would, at an early day, ask leave to introduce a bill to amend the general railroad act.

Mr. Young gave notice that he would, at an early day, ask leave to introduce a bill authorizing the trustees of the village of Dunkirk to pay certain military expenses.

Mr. Hardin gave notice that he would, at an early day, ask leave to introduce a bill to amend the act entitled "An act to provide for the incorporation of religious societies, passed April 6, 1813."

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to authorize the North river and Wall street Ferry Railroad company to lay rails in certain streets of the city of New York.

In pursuance of previous notice, Mr. Angel asked and obtained leave to

introduce a bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

In pursuance of previous notice, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to amend chapter 5 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act in relation to assessments for improvements in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to facilitate the construction of a portion of the Erie canal enlargement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

On motion of Mr. Willard—

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled "An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose," and that the same, with the remonstrance relating thereto, be recommended to the committee on roads and bridges.

On motion of Mr. Angel—

*Resolved*, That a respectful message be sent to the Assembly requesting that body to transmit to the Senate all papers on its files relating to the division of the county of Livingston into two jury districts, and that when received the same be referred to the committee on the internal affairs of towns and counties.

Mr. Bell (Mr. Ramsey in the chair,) called for the consideration of the following resolutions:

*Resolved*, (if the Assembly concur,) That in view of the increased taxation to be borne by the people of this State to sustain the Federal Government in its efforts to suppress the rebellion, and to preserve the integrity of the Union, our assessment laws should be so constructed that every person and species of taxable property in this State shall bear his and its just proportion of the public burdens.

*Resolved*, (if the Assembly concur,) That in view of the conceded defects and complications of our present assessment and taxation laws, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint a commission to be composed of three citizens of this State, eminent for their legal and practical knowledge of this subject, who shall, without unnecessary delay, enter upon a thorough examination of the tax laws of this, and such other States and nations as will enable them, at the earliest day practicable to report to the Legislature of this State in as concise a manner as a full explanation of the subject will admit, a bill which shall remedy the defects of the existing laws, and contain plain, simple rules and forms for the assessment and collection of taxes in accordance with the true intent and spirit of these resolutions, and submit their final, or partial report as provided in this section on the fifth day of April next.

Mr. Bell moved to amend by striking out the words "fifth day of April" in line fourteen of the last resolution, and inserting in lieu thereof the words "twenty fifth day of March."



Pending the question on said motion of Mr. Bell—the hour of 12 o'clock having arrived—the Senate went into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate then resumed the consideration of the question pending at the hour of going into executive session.

Mr. Hutchinson moved to lay said resolutions on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman offered the following resolution :

*Resolved*, (if the Assembly concur,) That when the Legislature adjourns on Thursday the 20th instant, it be until Wednesday the 26th instant, at 7 o'clock P. M.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Little—

*Resolved*, That all papers on file in relation to an appropriation for the benefit of the Troy University, be taken therefrom and referred to the committee on literature.

Mr. Bell offered the following resolution :

*Resolved*, That the Clerk of the Senate be requested to furnish each of the pages of the Senate with five dollars worth of stationery, as at last session.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Munroe	Robertson
Bell	Freer	Low	Pruyn	Sanford
Bradley	Hardin	Montgomery	Ramsey	Woodruff
Connolly				

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#### FOR THE NEGATIVE.

Abbott	Farrar	Hutchinson	Truman	Young
Cook	Folger	Murphy	Willard	

9

When the name of Mr. Tobey was called, that Senator stated that he was not within the bar of the Senate when the question was stated.

The President decided that under the rule he was not obliged to vote,

The President having announced that said resolution was adopted—

Mr. Hutchinson raised the point of order that said resolution was not constitutionally passed, not having received the assent of two-thirds of all the Senators elected, according to section 9, article 1 of the Constitution.

The President (Mr. Ramsey in the chair,) decided the point of order not well taken.

From this decision Mr. Hutchinson appealed.

Pending the question on said appeal—

On motion of Mr. Hardin, the Senate adjourned.

## THURSDAY, FEBRUARY 13, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Morrow.

The journal of yesterday was read and approved.

Mr. Bell presented a petition of citizens of this State, for a revision of the system of taxation, which was read and referred to the committee on finance.

Mr. Cornell, on behalf of Mr. Bradley, presented a petition of the New York Ophthalmic Hospital, for State aid, which was read and referred to the committee on finance.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

A message from the Assembly was received and read, in the words following, to wit:

*"Resolved*, That a respectful message be sent to the Honorable the Senate requesting that body to transmit to this House the papers on file relative to the claim of Mary Jane Ratz, and that when received they be referred to the standing committee on claims."

The Clerk, having made diligent search, was unable to find said papers on the files of the Senate.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred so much of the Governor's message as relates to the powers of special town meetings, reported by bill entitled "An act to amend section 18, chapter 11, article 1st, title 2d, part 1st of the Revised Statutes, in relation to the powers of special town meetings," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Hutchinson, from the committee on canals, to which was referred the bill entitled "An act to provide for the examination of the accounts of the Treasurer, and Canal Department, and the securities of the Bank Department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hutchinson, from the committee on canals, to which was referred the bill entitled "An act to facilitate the construction of a portion of the Erie canal enlargement," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on canals, to which was referred the Assembly bill entitled "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee appointed to wait on the Assembly and inform that body of the election of Hon. James A. Bell as President *pro tem.* of the Senate, reported that they had discharged that duty, and that the Speaker of the Assembly replied that the fact would be duly entered upon their journal.

Mr. Cook, from the committee on canals, to which was referred the petition of Robert Ramsey for the building of a canal bridge over the Genesee Valley canal, in the town of Belfast, reported by bill entitled "An act

to authorize the Canal Commissioners to build a farm bridge over the Genesee Valley canal, on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act for the protection of bridges belonging to the State, or under its control," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of gas companies,' passed February 16, 1848," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to trials by jury,' passed April 13, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts,' passed May 16, 1837," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act passed April 27, 1847, entitled 'An act to provide for additional challenges to jurors,'" reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to protect the interests of innocent holders of real estate," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of merchants of New York city, for the passage of an act prohibiting pedlars from selling goods in this State unless they are licensed, reported by bill entitled "An act to amend title 4, chapter 17, part 1st of the Revised Statutes, entitled 'Of hawkers and pedlars,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of James Irving, and to legalize and confirm in him the title to certain real estate and premises in the city of Rochester, acquired by deed from Hugh McGowan, an alien," reported that they have made sundry amendments thereto, and have also

amended the title, as follows:—"An act for the relief of James Irving and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by him by deed from Hugh McGowan, an alien," and as amended recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal section 1, of chapter 48 of Laws of 1851, and chapter 415 of Laws of 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to warrants issued by county treasurers against defaulting collectors," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act in relation to the corporation called the Baptist Missionary Convention of the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act in relation to actions upon premium notes given to Mutual Insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ramsey, from the committee on literature, to which was referred the petition of Amos Brown for aid to the People's College, reported by bill entitled "An act making appropriations from the Common School Library Fund to the People's College," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Pruyn presented the annual report of the Regents of the University, which was laid on the table and ordered printed.

(See Doc. No. 70.)

Mr. Pruyn offered the following resolution:

*Resolved*, That 1,500 extra copies of the annual report of the Regents of the University, with the accompanying papers, be printed for the Legislature, and 1,500 for the Regents; 500 of which shall be bound.

*Ordered*, That said resolution be referred to the committee on public printing.

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, and the Oswego and Syracuse railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act for the relief of families of volunteers in the service of the United States, from the town of Salisbury, in the county of Herkimer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to allow the negotiation of personal securities at short credits," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to authorize the Contracting Board to require specific prices for taking out materials in the prism of the canals, and strengthening or raising the banks on the several canal repair sections," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to provide the means to pay the damages upon awards made by the Canal Appraisers for lands taken by the State for the enlargement and completion of the canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Assembly transmitted the papers called for by resolution of the Senate, relating to the division of the county of Livingston into two jury districts, and the same were referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Bradley moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to empower the Court of General Sessions of the Peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramey	Truman
Angel	Farrar	Montgomery	Richards	Willard
Bell	Folger	Munroe	Robertson	Woodruff
Bradley	Hardin	Murphy	Sanford	Young
Connolly	Hutchinson	Pruyn	Tobey	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bell moved to take from the table the following resolutions:

*Resolved*, (if the Assembly concur,) That in view of the increased taxation to be borne by the people of this State to sustain the Federal Government in its efforts to suppress the rebellion, and to preserve the integrity of the Union, our assessment laws should be so constructed that every person and species of taxable property in this State shall bear his and its just proportion of the public burdens.

*Resolved*, (if the Assembly concur,) That in view of the conceded defects and complications of our present assessment and taxation laws, the Governor shall nominate, and, by and with the advice and consent of the Senate, appoint a commission to be composed of three citizens of this State, eminent for their legal and practical knowledge of this subject, who shall, without unnecessary delay, enter upon a thorough examination of the tax laws of this, and such other States and nations as will enable them, at the earliest day practicable to report to the Legislature of this State in as concise a manner as a full explanation of the subject will admit, a bill, which

shall remedy the defects of the existing laws, and contain plain, simple rules and forms for the assessment and collection of taxes in accordance with the true intent and spirit of these resolutions, and submit their final, or partial report as provided in this section on the fifth day of April next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hardin moved to amend by striking out in the 18th line of the last resolution, the words "or partial."

Mr. Bell accepted said amendment.

Mr. Hardin moved further to amend by inserting after the word "delay" in the second resolution, the words "in concert with the committee of finance of the Senate, and the committee of ways and means of the Assembly."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President put the question whether the Senate would agree to said amendment of Mr. Bell, and it was decided in the affirmative.

Mr. Truman moved to amend by striking out all after the words "if the Assembly concur," in the last resolution, and inserting in lieu thereof the following:

"That the committee on finance in the Senate, and the committee of ways and means of the Assembly, have power to employ such persons as they deem needful to assist them to revise the Laws of the State in relation to assessment and taxation."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Farrar	Freer	Ramsey	Truman	
Cook					6

#### FOR THE NEGATIVE.

Abbott	Folger	Munroe	Sanford	Willard	
Angel	Hardin	Murphy	Smith	Woodruff	
Bell	Little	Pruyn	Tobey	Young	
Cornell	Montgomery	Richards			16

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Murphy	Smith	
Angel	Farrar	Low	Pruyn	Tobey	
Bell	Folger	Montgomery	Richards	Willard	
Bradley	Hardin	Munroe	Sanford	Young	
Connolly	Hutchinson				22

#### FOR THE NEGATIVE.

Cornell	Freer	Ramsey	Truman	
				4

*Ordered*, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

Mr. Truman called for the consideration of the following resolution:

*Resolved*, (if the Assembly concur,) That when the Legislature adjourns on Thursday the 20th instant, it be until Wednesday the 26th instant, at 7 o'clock P. M.

Mr. Low moved to amend by striking out all after the words "if the Assembly concur," and inserting in lieu thereof the following:

"That when the Legislature adjourns on Friday February 28th, it be to March 5th, at 7 o'clock P. M."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Montgomery	Robertson	Truman	
Bradley	Farrar	Munroe	Sanford	Young	
Connolly	Hutchinson	Pruyn			13

**FOR THE NEGATIVE.**

Angel	Folger	Little	Ramsey	Tobey	
Bell	Freer	Low	Richards	Willard	
Cook	Hardin	Murphy	Smith	Woodruff	15

Mr. Munroe offered the following resolution :

*Resolved*, That there be printed of the annual report of the trustees of the New York State Asylum for Idiots, 500 copies for the use of the Superintendent and Trustees, and 500 for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Folger—

*Resolved*, That the petition of members of the Canandaigua Walton Club, praying for an act of incorporation, be taken from the files and referred to the committee on the judiciary.

Mr. Sanford called for the consideration of the following resolution :

*Resolved*, (if the Senate concur,) That 1,000 copies of the report of the Superintendent of Public Instruction be printed for the use of said Superintendent, in addition to what has already been ordered, and that twenty copies be printed for each member, and officer of the Senate and Assembly.

Mr. Sanford called for a division of the question.

The President put the question whether the Senate would agree to so much of said resolution as relates to extra copies for the Superintendent of Public Instruction, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Angel	Hardin	Pruyn	Sanford	Willard	
Cook	Munroe	Ramsey	Smith	Woodruff	
Cornell	Murphy	Robertson	Tobey	Young	
Folger					16

**FOR THE NEGATIVE.**

Abbott	Connolly	Little	Montgomery	Truman	
Bailey	Hutchinson	Low	Richards		9

The President then put the question whether the Senate would agree to so much as relates to extra copies for members and officers, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Truman offered the following resolution :

*Resolved*, (if the Assembly concur,) That when the Legislature adjourns on the 19th, it be to the 25th, at 7 P. M.

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Low, on behalf of Mr. Robertson, asked and obtained leave to introduce a bill entitled "An act relating to the public health of the Metropolitan Police district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal, at Evans street, in the village of Geneva.

Also, a bill to incorporate the members of the Canandaigua Walton Club.

Also, a bill in relation to plank roads and turnpike roads, and amendatory of the general acts in regard to such companies.

Mr. Cornell gave notice that he would, at an early day, ask leave to introduce a bill in relation to the construction of a pier on the south side of Pier No. 1, North river, in the city of New York.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to empower the Court of General Sessions of the Peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment on Tuesday last.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

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## FRIDAY, FEBRUARY 14, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Palmer.

The journal of yesterday was read and approved.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

Mr. Young presented a petition of citizens of Oneida county, for a law requiring receivers of Mutual Insurance companies to give security for costs in suits instituted by them, which was read and committed to the committee of the whole.

Mr. Ramsey presented a petition of citizens of Schoharie county, for State aid to build the Albany and Susquehanna railroad, which was read and committed to the committee of the whole.

Mr. Murphy presented a remonstrance of Harper and Brothers, against the passage of the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Richards presented a petition of citizens of Washington county, to repeal the act authorizing the formation of town insurance companies, which was read and referred to the committee on insurance companies.

Mr. Smith presented a petition of E. W. Rogers, Wm. B. Stebbins and others, for the incorporation of a State Homeopathic medical society, which was read and referred to the committee on medical societies.

Also, a petition of L. B. Wyman and others, for the passage of the act concerning the public health of the counties of New York, Kings and Richmond, and the waters thereof, which was read and referred to the committee on commerce and navigation.



Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Stephen Van Alstyne," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Andrew Kingsley and others, for the payment of interest on certain canal drafts protested for non-payment, reported by bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Ebenezer Murdock for an award for canal damages, reported by bill entitled "An act for the relief of Ebenezer Murdock," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of James E. Van Horn, Mordecai Lothridge and others, for damages arising from the raising of a canal bridge in the city of Schenectady, reported adversely thereto, which report was agreed to, and the prayer of the petitioners denied.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act authorizing the construction of a railroad through, upon and along certain roads in the counties of Kings and Queens," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act for the relief of riparian owners entitled by law to grants of land now or formerly covered with water, in front of the cities of Brooklyn and New York, and to extend to the Hudson and East rivers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was recommended the bill No. 50, with instructions to draft and report a bill applying the provisions thereof to the whole State, reports that the committee does not deem it proper to apply all the provisions of the said bill to the whole State, and do report by bill entitled "An act to prevent abuses in town and county charges in certain criminal cases," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger also reported back said bill No. 50, entitled "An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer," without amendment; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to perpetuate the evidence of the deaths of Nicholas Van Straphorst and others, passed May 13, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of Nathan T. Young as justice of the peace," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the As-

sembly bill entitled "An act to appropriate the proceeds of the State tax for the support of common schools," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act in relation to Lexington avenue, in the city of New York, and to alter the map or plan of said city," reported that they have made sundry amendments thereto, and have also amended the title so as to read as follows:—"An act to alter the map of the city of New York, and to extend Lexington avenue," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to authorize the Bank of Troy to reduce its capital stock," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill recommending a convention of the people of this State to frame a new State Constitution.

Mr. Angel gave notice that he would, at an early day, ask leave to introduce a bill requiring all incorporated companies of whatsoever kind or nature, doing business within this State, to deposit with the Comptroller, semi-annually, a statement in writing containing a list of the names of all persons and their places of residence, all corporations or associations owning or interested in any stock, shares or valuable interests of such incorporated company, and the amount and value of such stock, shares or valuable interests so owned by such persons, corporations or associations, respectively.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of the county of New York, to raise money by loan and to create a public fund or stock, to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act in relation to the construction of a pier on the south side of Pier No. 1, North river, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Schoenestady Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Folger asked and obtained leave to

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Stephen Van Alstyne," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Andrew Kingsley and others, for the payment of interest on certain canal drafts protested for non-payment, reported by bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Ebenezer Murdock for an award for canal damages, reported by bill entitled "An act for the relief of Ebenezer Murdock," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of James E. Van Horn, Mordecai Lotheridge and others, for damages arising from the raising of a canal bridge in the city of Schenectady, reported adversely thereto, which report was agreed to, and the prayer of the petitioners denied.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act authorizing the construction of a railroad through, upon and along certain roads in the counties of Kings and Queens," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act for the relief of riparian owners entitled by law to grants of land now or formerly covered with water, in front of the cities of Brooklyn and New York, and to extend to the Hudson and East rivers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was recommended the bill No. 50, with instructions to draft and report a bill applying the provisions thereof to the whole State, reports that the committee does not deem it proper to apply all the provisions of the said bill to the whole State, and do report by bill entitled "An act to prevent abuses in town and county charges in certain criminal cases," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger also reported back said bill No. 50, entitled "An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer," without amendment; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to perpetuate the evidence of the deaths of Nicholas Van Straphorst and others, passed May 13, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the official acts of Nathan T. Young as justice of the peace," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the As-

sembly bill entitled "An act to appropriate the proceeds of the State tax for the support of common schools," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act in relation to Lexington avenue, in the city of New York, and to alter the map or plan of said city," reported that they have made sundry amendments thereto, and have also amended the title so as to read as follows:—"An act to alter the map of the city of New York, and to extend Lexington avenue," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to authorize the Bank of Troy to reduce its capital stock," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill recommending a convention of the people of this State to frame a new State Constitution.

Mr. Angel gave notice that he would, at an early day, ask leave to introduce a bill requiring all incorporated companies of whatsoever kind or nature, doing business within this State, to deposit with the Comptroller, semi-annually, a statement in writing containing a list of the names of all persons and their places of residence, all corporations or associations owning or interested in any stock, shares or valuable interests of such incorporated company, and the amount and value of such stock, shares or valuable interests so owned by such persons, corporations or associations, respectively.

In pursuance of previous notice, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to authorize the board of supervisors of the county of New York, to raise money by loan and to create a public fund or stock, to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act in relation to the construction of a pier on the south side of Pier No. 1, North river, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Schenectady Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

In pursuance of previous notice, Mr. Folger asked and obtained leave to

introduce a bill entitled "An act to incorporate the Canandaigua Walton Club," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Young asked and obtained leave to introduce a bill entitled "An act to legalize the tax levied by the board of trustees of the village of Olean, for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

Mr. Cook moved that the committee on banks be discharged from the further consideration of the bill entitled "An act to amend the usury laws of this State," and that the same be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:

"An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes."

"An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district."

"An act concerning the Erie Railway company."

Also, the Assembly bill entitled as follows:

"An act to amend chapter 313 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of said named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

On motion of Mr. Willard—

*Resolved*, That the committee on roads and bridges be discharged from the further consideration of the petition of the commissioners of highways of the town of Saratoga Springs and of the village of Saratoga Springs, and that the same be referred to the committee on the internal affairs of towns and counties.

By unanimous consent, Mr. Farrar moved that the bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," which was recommitted to the committee of the whole, be restored to its place upon the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Abbott moved that the bill entitled "An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison," be recommitted to the committee on the judiciary, and that when reported it retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Richards moved that the bill entitled "An act to prevent the adulteration of milk, and to stop the traffic of swill milk," be recommitted to the committee on agriculture, and that when reported it retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to county treasurers."

"An act to amend section 36, of title 1st, chapter 5th, part 3d of the Revised Statutes."

"An act for the relief of the lessees of the surplus waters of the canal at Lockport."

After some time spent therein, the President resumed the chair, and Mr. Pruyn, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Truman renewed the motion made in committee of the whole, to amend by striking out the first section of said bill, in the words following:

"Sec. 1. It shall not be lawful for any of the county treasurers in this State, to loan, invest or otherwise use any moneys which may come into his hands or under his control as such treasurer, by virtue of his office, except to make such investments in trust, as he may make by law, or in obedience to the order or judgment of a court having jurisdiction thereof; nor shall it be lawful for such county treasurer to receive, take or realize, for his own use, any interest, profit or income from such moneys or from any loan, investment or use thereof, except such fees and commissions as are allowed by law; and whoever shall offend against the provisions of this section shall forfeit treble the amount of the interest, profit or income illegally received, taken or realized by him for his own use as aforesaid, which amount shall be recovered by the district attorney of the county in which said county treasurer shall reside, by suit therefor, in the name of the people of the State of New York as plaintiffs, in any court of said county having jurisdiction of the subject matter and amount."

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Freer

Truman

2

#### FOR THE NEGATIVE.

Abbott

Cornell

Little

Pruyn

Smith

Angel

Farrar

Low

Ramsey

Tobey

Bell

Folger

Montgomery

Richards

Woodruff

Connolly

Hardin

Murphy

Sanford

Young

Cook

Hutchinson

22

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered,* That said bill be engrossed for a third reading.

Mr. Pruyn, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to consolidate the two election districts in the town of Danby and erect one election district therein."

"An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing 1st day of October, in the year 1861,' passed April 13, 1861."

Also, the bill entitled "An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

After some time spent therein, the President resumed the chair, and Mr. Richards, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Richards, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Richards, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Truman called for the consideration of the following resolution:

*Resolved*, (if the Assembly concur,) That when the Legislature adjourns on the 19th instant, it be to the 25th instant, at 7 o'clock P. M.

Mr. Connolly moved to amend by striking out all after the words "(if the Assembly concur,)" and inserting in lieu thereof the following:

"That when the Legislature adjourns on the 12th of March, it be to the 19th of March, at 7 o'clock P. M."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Truman moved to amend by striking out the words "19th instant, it be to the 25th instant," and inserting in lieu thereof the following:—"20th instant, it be to the 26th instant."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Munroe	Woodruff	
Angel	Cornell	Little	Prayn	Young	
Bradley	Farrar	Montgomery	Truman		14

#### FOR THE NEGATIVE.

Bell	Freer	Ramsey	Robertson	Smith	
Cook	Hardin	Richards	Sanford	Willard	
Folger					11

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## SATURDAY, FEBRUARY 15, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pohlman.

The journal of yesterday was read and approved.

Mr. Hardin presented a petition of citizens of Otsego county, in favor of repealing the statute exempting the property of clergymen from taxation, which was read and referred to the committee on the judiciary.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

Mr. Little presented a petition of citizens of Washington county, for the repeal of the act authorizing the formation of town insurance companies, which was read and referred to the committee on insurance companies.

Mr. Hutchinson presented a petition of the trustees of Genesee Camp Ground Association, for an amendment of chapter 252 of Laws of 1857, which was read and referred to the committee on the judiciary.

Mr. Abbott presented a petition of 200 citizens of the county of Cayuga, for an amendment of the Constitution in relation to prohibiting the sale of intoxicating drinks, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Little presented a petition of 275 citizens of this State, to require receivers of insolvent Insurance companies to give security for costs in suits brought by them, which was read and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Hawley, Waldron & Co., for relief for canal damages, reported by bill entitled "An act authorizing the Canal Commissioners to examine the obstructions in the culvert through which Bloody brook flows under the Oswego canal," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Hawley, Waldron & Co., for relief for canal damages, reported by bill entitled "An act for the relief of Hawley, Waldron & Co.," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of Patrick Colwell for relief reported by bill entitled "An act for the relief of Patrick Colwell," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Sanford, from the committee on railroads, to which was recommitted the bill entitled "An act to amend chapter 277 of the Laws of 1859, entitled 'An act to amend the charter of the Long Island Railroad company,'" reported in favor of the passage of the same, with an amendment and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the bill entitled "An act to amend section 12, chapter 151 of the Laws of 1858, in relation to school district libraries," reported in favor of the pas-



sage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the petition of commissioners of highways of Saratoga Springs, for an act for the better support of roads and bridges therein, reported by bill entitled "An act for the better support of roads and bridges in Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to repeal an act entitled 'An act to widen Main street, in the city of Brooklyn, passed April 13, 1861,' and to provide for the expenses incurred under the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the petition of James Lenox, of the Roman Catholic Orphan Asylum in the city of New York, for the repeal of the act entitled "An act to alter the map or plan of the city of New York, passed April 17, 1860," reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads, with hospital accommodations," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes."

"An act in relation to county treasurers."

"An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district."

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

The Assembly sent for concurrence the following entitled bills:

"An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the relief of Louis Gabriel Jeanrenaud, and Sophie Adele Jeanrenaud," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize Paul Bresson to take, hold and convey real estate, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Assembly was received and read, in the words following, to wit :

IN ASSEMBLY, Feb. 14, 1862.

On motion of Mr. Saxe—

*Ordered*, That the papers relating to the Troy University, now on the files of this House, be taken therefrom and transmitted to the Senate.

By order,

J. B. CUSHMAN, Clerk.

Said papers were referred to the committee on literature.

In pursuance of previous notice, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to authorize the West Winfield bank to reduce its capital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

Mr. Truman offered the following resolution :

*Resolved*, That hereafter the Senate will hold sessions on Tuesdays and Thursdays, from 4 to 6 P. M., for taking up general orders.

Mr. Hutchinson moved to amend by striking out all after the word "resolved," and inserting in lieu thereof the following :

"That the Senate will hold evening sessions on Monday, Tuesday and Wednesday, of next week, for the consideration of general orders only."

Mr. Hardin moved further to amend by striking out all after the word "that," and inserting in lieu thereof the following :

"The Senate will hold evening sessions at seven P. M. of Tuesday and Thursday in each week, after next week, for the consideration of general orders only."

Mr. Munroe moved that the whole subject lie on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to regulate places of public amusement in the city of New York."

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

"An act making further provisions relative to encroachments upon highways."

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

Mr. Truman moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Bradley moved that the order of business of general orders, be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Hardin	Pruyn	Robertson	Tobey	
Bradley	Hutchinson	Ramsey	Sanford	Willard	
Cook	Munroe	Richards			13

## FOR THE NEGATIVE.

Little	Montgomery	Truman	Young	4
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Mr. Bradley moved that when the Senate adjourns it be till Monday evening at 7½ o'clock.

Pending the question—

Mr. Truman moved that the Clerk call the roll.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Truman moved to amend so as to meet on Monday morning at half-past 10 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Cook	Little	Montgomery	Truman	Young	5
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## FOR THE NEGATIVE.

Abbott	Hutchinson	Ramsey	Robertson	Tobey	
Bailey	Pruyn	Richards	Sanford	Willard	10

The President then put the question whether the Senate would agree to said motion of Mr. Bradley, and it was decided in the affirmative.

Mr. Bradley moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President thereupon declared the Senate adjourned until Monday evening next at seven and a half o'clock.

MONDAY, FEBRUARY 17, 1862.

HALF-PAST 7 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Palmer.

The journal of Saturday was read and approved.

Mr. Bell presented a petition of Geo. C. Sherman of Watertown, against the passage of the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Woodruff presented a remonstrance of Harper & Brothers of New York, on same subject, which was read and committed to the committee of the whole.

Mr. Low presented a petition of the Orange County Temperance society, for the re-adoption of the constitutional amendment in regard to the sale of intoxicating liquors, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Ramsey presented a resolution of the board of supervisors of Schoenectady county, in favor of amending the excise laws, and of assuming and

collecting by the State such portions of the United States tax as may be assigned to this State, which was read and referred to the committee on finance.

Mr. Smith presented a memorial of the grand jury of the county of Kings, for amendments to the excise laws, which was read and referred to the committee on the internal affairs of towns and counties.

Also, a petition of Col. Bennett and officers of the 28th New York State militia, for an appropriation to replace uniforms used in the three months volunteer service, which was read and referred to the committee on militia and public defence.

Mr. Farrar presented a petition of the Rochester Savings bank, and the Monroe County Savings institution, for relief, which was read and referred to the committee on banks.

Mr. Munroe presented a petition of citizens of Albany, relative to foreign insurance companies, which was read and referred to the committee on insurance companies.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred so much of the Governor's message as relates to finance, reported by bill entitled "An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing the first day of October, 1861,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Freer, from the committee on medical societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to regulate the sale of poisons,' passed April 16, 1860," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Regents of the University, reported in favor of the adoption of the following resolution :

*Resolved*, That 1,500 extra copies of the annual report of the Regents of the University, with the accompanying papers, be printed for the Legislature, and 1,500 for the Regents; 500 of which shall be bound.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the trustees of the New York State Asylum for Idiots, reported in favor of the adoption of the following resolution :

*Resolved*, That there be printed of the annual report of the trustees of the New York State Asylum for Idiots, 500 copies for the use of the Superintendent and Trustees, and 500 for the use of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Clark, from the committee on roads and bridges, to which was recommended the bill entitled "An act to provide for the laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act defining and regulating the powers, duties and compensation of the Captain of the Port, and Harbor Masters of the Port of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented a communication from M. K. Bryan, Colonel of the 25th regiment, in the words following, to wit:

ALBANY, Feb. 17, 1862.

*To the Honorable the President, the Officers and  
Members of the Senate of the State of New York:*

GENTLEMEN—You are respectfully invited to be present with your fellow citizens and the military of Albany, in celebrating the birth day of the Father of our Country, on the 22d inst., at Tweddle Hall, at 11½ o'clock A. M.

On behalf of the committee, I have the honor to be,

Respectfully yours, &c.,

M. K. BRYAN Col. 25th Regiment, Ch'n Comm.

On motion of Mr. Bradley, said invitation was accepted.

The Assembly returned the resolution in relation to the adjournment from the 19th to the 25th inst., with a message that they had concurred in the passage of the same, without amendment.

The Assembly sent for concurrence the following resolution:

*Resolved*, (if the Senate concur,) That we hail the recent news of the recent victories of the National arms at Fort Henry, Roanoke Island, Fort Donelson and Savannah, and other points along the lines of the grand army of the Union, with lively emotions of patriotic rejoicing, and hereby express the heartfelt thanks of a grateful State to the officers and soldiers who have covered themselves with glory by their heroic achievements, and to the War Department for the renewed evidence of vigor displayed in the conduct of the war, and pledge to the Government of the United States the undivided support of the people of the State of New York in the gigantic work of suppressing the monstrous and unnatural rebellion, and restoring the supremacy of the Constitution and Laws of the Federal Government over every rood of our National territory.

*Resolved*, That the keepers of the Capitol and State House be instructed to illuminate their buildings to-night, in honor of the victories gained by our army and navy.

*Ordered*, That said resolutions be laid on the table.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill to authorize the mayor, &c. of Albany, to open a street along the south bounds of the said city between the Delaware turnpike road and Hudson river, and to assess and collect the damages and expenses for the same.

Also, a bill to authorize the mayor, &c. of the city of Albany, to grade, &c. that portion of Clinton avenue which lies adjoining the north bounds of the city of Albany, as far as the intersection of said Avenue and the Schenectady turnpike road.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to authorize the selection of a site for another State prison.

Mr. Freer gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Forty-second street railroad company, in the city of New York.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act for the relief of savings banks, in respect to

lands sold for taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to incorporate the Neversink River plankroad company, and to authorize the issuing and holding of certificates of stock therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Sanford asked and obtained leave to introduce a bill entitled "An act in relation to the Oswego County Agricultural societies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

The bill entitled "An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Folger	Low	Ramsey	Tobey
Clark	Freer	Montgomery	Robertson	Willard
Connolly	Hardin	Munroe	Sanford	Woodruff
Cook	Little	Pruyn	Smith	Young
Farrar				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bell	Farrar	Low	Robertson	Truman
Bradley	Freer	Montgomery	Sanford	Willard
Clark	Hardin	Munroe	Smith	Woodruff
Connolly	Hutchinson	Pruyn	Tobey	Young
Cook	Little	Ramsey		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to amend chapter 313 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861," having been announced—

Mr. Folger moved to lay said bill on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act in relation to county treasurers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bell	Farrar	Low	Sanford	Willard
Bradley	Folger	Montgomery	Smith	Woodraff
Connolly	Hutchinson	Pruyn	Tobey	Young
Cook	Little	Ramsey		18

## FOR THE NEGATIVE.

Clark	Freer	Truman	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act concerning the Erie Railway company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bell	Farrar	Little	Ramsey	Truman
Bradley	Folger	Low	Robertson	Willard
Clark	Freer	Montgomery	Sanford	Woodraff
Connolly	Hardin	Munroe	Smith	Young
Cook	Hutchinson	Pruyn	Tobey	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing 1st day of October, in the year 1861,' passed April 13, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bell	Farrar	Little	Ramsey	Truman
Bradley	Folger	Low	Robertson	Willard
Clark	Freer	Montgomery	Sanford	Woodraff
Connolly	Hardin	Munroe	Smith	Young
Cook	Hutchinson	Pruyn	Tobey	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to consolidate the two election districts in the town of Danby, and erect one election district therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bell	Farrar	Little	Ramsey	Truman
Bradley	Folger	Low	Robertson	Willard
Clark	Freer	Montgomery	Sanford	Woodraff
Connolly	Hardin	Munroe	Smith	Young
Cook	Hutchinson	Pruyn	Tobey	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act entitled 'An act to authorize

the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bell	Farrar	Little	Ramsey	Truman
Bradley	Folger	Low	Robertson	Willard
Clark	Freer	Montgomery	Sanford	Woodruff
Connolly	Hardin	Munroe	Smith	Young
Cook	Hutchinson	Pruyn	Tobey	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cook offered the following resolution :

*Resolved*, That Senate bill No. 112, entitled "An act to facilitate the construction of a portion of the Erie canal enlargement," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Cook—

*Resolved*, That during the absence of Senator Henderson, the President of the Senate be authorized to fill the vacancy on the committee on banks, by the appointment of another Senator.

On motion of Mr. Hutchinson—

*Resolved*, That the Senate hold an evening session on Tuesday 18th inst., to commence at 7 o'clock, for the consideration of general orders only.

On motion of Mr. Bell—

*Resolved*, That the bill in relation to the imposition of tolls on freight passing over certain railroads in this State, now under consideration in the finance committee, be printed.

The President named Mr. Tobey as the additional member of the committee on banks, during the absence of Mr. Henderson.

Mr. Ramsey moved to take from the table the following resolution :

*Whereas*, The health and comfort in the camp, and the highest efficiency in the field, of our volunteer soldiers who have so nobly offered their lives to the country in the present war, are of the most vital importance to the nation ; and whereas, by the present army rations they are entirely deprived of the articles of butter and cheese, heretofore deemed by them a necessary of life, while their daily allowance of flour and meat is so great that the excess is either thrown away, or its avails appropriated by dishonest officials or contractors ; and,

*Whereas*, The butter and cheese interests, the greatest agricultural interest of this State—an interest greater than any other three farming interests combined—is and has been suffering more than any other, since the Southern market has been destroyed ; therefore,

*Resolved*, (if the Senate concur,) That our Senators be instructed, and our Representatives be requested, to use their efforts in Congress to amend existing regulations, that butter and cheese may be included in the army rations ; and also, that the quantity of any articles now existing therein to excess be diminished.

The President then put the question whether the Senate would agree to said motion, and it was decided in the negative.

By unanimous consent, Mr. Bell moved that the rules be suspended, and that the resolutions from the Assembly received and read this evening, in



relation to the recent brilliant victories of our National army and navy, be taken from the table and considered immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President then put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend section 86, of title 1st, chapter 5th, part 3d of the Revised Statutes."

"An act to facilitate the construction of a portion of the Erie canal enlargement."

"An act to prevent abuses in town and county charges, in criminal cases, in the county of Herkimer."

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

After some time spent therein, the President resumed the chair, and Mr. Farrar, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Farrar, from the same committee, reported in favor of the passage of the third named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Young, the Senate adjourned.

## TUESDAY, FEBRUARY 18, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pohlman.

The journal of yesterday having been read, Mr. Bradley moved to strike therefrom certain resolutions offered by Mr. Truman yesterday ; also the amendment offered by Mr. Robertson thereto.

Mr. Truman called for a division of the question.

The President put the question whether the Senate would agree on so much as relates to the resolutions of Mr. Truman, and it was decided in the affirmative, as follows :

### FOR THE AFFIRMATIVE.

Bell	Farrar	Montgomery	Ramsey	Tobey
Bradley	Freer	Munroe	Richards	Willard
Clark	Hardin	Murphy	Sanford	Woodruff
Connolly	Hutchinson	Pruyn	Smith	Young
Cook				

21

### FOR THE NEGATIVE.

Folger	Little	Truman
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3

The President then put the question whether the Senate would agree on so much as relates to the amendment of Mr. Robertson, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bell	Farrar	Montgomery	Ramsey	Smith
Bradley	Freer	Munroe	Richards	Willard
Clark	Hardin	Murphy	Robertson	Woodruff
Connolly	Hutchinson	Pruyn	Sanford	Young
Cook	Little			

22

## FOR THE NEGATIVE.

Folger	Truman	
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2

The journal was then approved.

Mr. Smith presented a petition of citizens of Brooklyn, for the repeal of the act in relation to a park and parade in said city, which was read and referred to the committee on cities and villages.

Mr. Pruyn presented a remonstrance of A. A. Dunlop, of the city of Albany, against the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Folger presented a petition of 1,000 citizens of Ontario county, for the repeal of the charter of the Rushville and Geneva plankroad company, which was read and referred to the committee on roads and bridges.

Mr. Bailey presented a petition of Wm. H. Thomas, for the passage of an act to re-assess certain lands in the counties of Oneida, Herkimer and Hamilton, for the purpose of opening the Black River State road, which was read and referred to the committee on roads and bridges.

Also, three petitions of citizens of this State, in favor of the passage of the act compelling receivers of insolvent Insurance companies to give security for costs in suits brought by them, which was read and committed to the committee of the whole.

Mr. Pruyn presented a remonstrance of R. S. Meacham, on the same subject, which was read and committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Neversink plankroad company, and to authorize the issuing and holding of certificates of stock therein," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loan and to create a public fund or stock to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Murphy, from the majority of the committee on charitable and religious societies, to which was referred the bill entitled "An act to repeal an act entitled 'An act to repeal an act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented the annual report of the Commissioners of Emigration for 1861, which was laid on the table and ordered printed.

(See Doc. No. 105.)

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Brooklyn city and Newtown railroad.

Mr. Farrar gave notice that he would, at an early day, ask leave to introduce a bill to incorporate Eastman's Model Commercial college, in the city of Rochester, State of New York.

Mr. Bailey gave notice that he would, at an early day, ask leave to introduce a bill to enable the commissioners of "The Black River State road," to re-assess certain lands in the counties of Oneida, Herkimer and Hamilton, to provide means for opening said road.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend section 36, of title 1st, chapter 5th, part 3d of the Revised Statutes."

"An act to facilitate the construction of the Erie canal enlargement."

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to authorize the selection of a site for another State prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act incorporating a permanent library association for Masonic and kindred works, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany, to open a street along the south bounds of said city between Delaware turnpike road and the river, to be located wholly or partly on either side of said city line, and to assess and collect the damages and expenses for laying out, opening, grading, draining and repairing said street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany to grade, fill, level and pave, repair and drain that portion of Clinton avenue which lies adjoining the north bounds of the city of Albany, in the town of Watervliet, as far west as the intersection of said Avenue and the Schenectady turnpike road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to incorporate Eastman's Model Commercial college, in the city of Rochester, in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The bill entitled "An act to amend section 36, of title 1st, chapter 5th, part 3d of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cornell	Hardin	Munroe	Richards
Bradley	Farrar	Hutchinson	Murphy	Sanford
Clark	Folger	Little	Pruyn	Woodruff
Connolly	Freer	Montgomery	Ramsey	Young

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to facilitate the construction of a portion of the Erie canal enlargement," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Murphy	Sanford
Bradley	Cornell	Hutchinson	Pruyn	Smith
Clark	Folger	Montgomery	Ramsey	Woodruff
Connolly	Frear	Munroe	Richards	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof."

"An act making further provisions relative to encroachments upon highways."

"An act in relation to the superintendents of the poor of the county of Columbia."

After some time spent therein, the President resumed the chair, and Mr. Smith, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Smith, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Smith, from the same committee, reported in favor of the passage of the last named bill, without amendment.

Mr. Sanford moved to recommit said bill to the committee on the judiciary, with instructions to amend and report a general bill on same subject empowering boards of supervisors to increase the number of superintendents of the poor from one to three, and that when reported said bill retain its place on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

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SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows :

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and

through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

"An act to regulate places of public amusement in the city of New York."

"An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad."

After some time spent therein, the President resumed the chair, and Mr. Murphy, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Murphy, from the same committee, reported that they have made sundry amendments to the second named bill, and amended the title so as to read as follows:—"An act to regulate places of public amusement in cities and incorporated villages in this State," and as amended, recommend its passage, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Murphy, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Hutchinson moved that the rules be suspended, and the bill entitled "An act to facilitate the construction of a portion of the Erie canal enlargement," be transmitted to the Assembly immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Freer moved that the Assembly bill entitled "An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860."

Assembly, "An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose."

"An act to amend the act entitled 'An act to appoint commissioners for laying out that portion of the city and county of New York lying north of 155th street; and to change the plan of streets and avenues in that part of the city lying between 125th and 141st streets, east of the Tenth avenue and west of a line fifty feet east of the old King's bridge road and running parallel with said road,' passed April 7, 1860."

After some time spent therein, the President resumed the chair, and Mr. Cornell, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Cornell, from the same committee, reported that they have amended the title to the last named bill so as to read as follows:—"An act to amend

chapter 201 of the Laws of 1860, relative to laying out streets and avenues in the city of New York," and as amended, recommend its passage; which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Hutchinson moved that when the Senate adjourns this evening, it be until to-morrow morning at ten o'clock, and that the executive session to-morrow be held at eleven o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

"An act for the release of certain lands and real estate of which Thomas Britton died seized to Eleanor Britton his widow."

"An act in relation to the publication of notices by the Contracting Board."

After some time spent therein, the President resumed the chair, and Mr. Woodruff, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Woodruff, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860."

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858.'"

Assembly, "An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Bradley, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the payment of work done and materials furnished on superintendent's section No. 12 of the Erie canal."

"An act authorizing the village of Dunkirk in the county of Chautauqua, to purchase, take and hold land within or without the bounds of said village for a cemetery."

"An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first

named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Freer, the Senate adjourned.

### WEDNESDAY, FEBRUARY 19, 1862.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Truman moved to reconsider the vote taken yesterday striking from the journal certain resolutions offered by him, and that said motion lay on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Clark	Truman	3
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#### FOR THE NEGATIVE.

Bell	Freer	Low	Richards	Willard	
Farrar	Hardin	Pruyn	Robertson	Woodruff	
Folger	Hutchinson	Ramsey	Smith	Young	15

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Clark	Truman	2
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#### FOR THE NEGATIVE.

Bailey	Cook	Hardin	Ramsey	Tobey	
Bell	Farrar	Montgomery	Richards	Willard	
Bradley	Folger	Munroe	Robertson	Woodruff	
Connolly	Freer	Pruyn	Smith	Young	20

Mr. Montgomery presented a remonstrance of W. P. Cantwell and other citizens of Franklin county, against any reduction of the fees of sheriffs, which was read and referred to the committee on the judiciary.

Messrs. Willard, Cook and Clark presented remonstrances against act in relation to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Bell presented a petition of citizens of Carthage, Jefferson county, for imposition of tolls on railroads, which was read and referred to the committee on finance.

Mr. Farrar presented a petition of citizens of Wayne county, for the erection of fortifications at the mouth of the Genesee river, and for an arsenal at Rochester, which was read and referred to the committee on militia and public defence.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to provide for the public defence," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

In pursuance of previous notice, Mr. Freer asked and obtained leave to introduce a bill entitled "An act to incorporate the Forty-second Street Railroad company, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal, at Evans street, in the village of Geneva," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the New York Commercial Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Assembly bill entitled "An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Bell	Folger	Little	Ramsey	Tobey
Bradley	Freer	Montgomery	Richards	Willard
Clark	Hardin	Munroe	Robertson	Woodruff
Connolly	Hutchinson	Pruyn	Smith	Young
Farrar				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Folger moved to take from the table the Assembly bill entitled "An act to amend chapter 313 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Hutchinson	Ramsey	Tobey
Bell	Farrar	Montgomery	Richards	Willard
Bradley	Folger	Munroe	Robertson	Woodruff
Clark	Freer	Murphy	Smith	Young
Connolly	Hardin	Pruyn		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.



The bill entitled "An act in relation to places of public amusement in the cities and incorporated villages of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Bailey	Cook	Little	Murphy	Robertson
Bell	Farrar	Low	Pruyn	Tobey
Bradley	Folger	Montgomery	Ramsey	Willard
Clark	Hardin	Munroe	Richards	Young
Connolly	Hutchinson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Bailey	Cook	Hutchinson	Murphy	Tobey
Bell	Cornell	Little	Pruyn	Truman
Bradley	Farrar	Low	Ramsey	Willard
Clark	Folger	Montgomery	Richards	Woodruff
Connolly	Hardin	Munroe	Robertson	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof."

"An act to provide for the payment of work done and materials furnished on superintendent's section No. 12 of the Erie canal."

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands' passed April 14, 1858.'"

"An act authorizing the village of Dunkirk, in the county of Chautauque, to purchase, take and hold land within or without the bounds of said village for a cemetery."

"An act making further provisions relative to encroachments upon highways."

"An act for the release of certain lands and real estate of which Thomas Britton died seized, to Eleanor Britton his widow."

"An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860."

"An act in relation to the publication of notices by the Contracting Board."

Mr. Cook, from a majority of the committee on banks, to which was referred the bill entitled "An act for the withdrawal of the circulating bills of incorporated banks whose charters have expired or may hereafter expire, and to secure the redemption thereof," reported in writing, in favor of the

passage of the same, with an amendment, and said bill was committed to the committee of the whole.

(See Doc. No. 45.)

Mr. Munroe, from the minority of said committee, submitted a report in writing, adversely to the passage of said bill.

(See Doc. No. 46.)

Mr. Richards, from the committee on agriculture, to which was referred the bill entitled "An act in relation to the Oswego County Agricultural Societies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was re-committed the bill entitled "An act to prevent the adulteration of milk, and to stop the traffic in swill milk," reported that they have made some amendments thereto, and have also amended the title so as to read as follows:—"An act to prevent the adulteration of milk, and to stop the traffic in milk from animals fed on slops or swill made or procured from distillation in distilleries or breweries," and as amended, recommend its passage; said bill was committed to the committee of the whole.

The hour of 11 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The bill entitled "An act to amend chapter 201 of the Laws of 1860, relative to laying out certain streets and avenues in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Murphy	Smith
Bell	Cornell	Hutchinson	Prayn	Tobey
Bradley	Farrar	Little	Ramsey	Woodruff
Clark	Folger	Montgomery	Robertson	Young
Connolly	Freer	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Ramsey and by unanimous consent, the rules were suspended and the bill entitled "An act to amend chapter 313 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861," was ordered transmitted to the Assembly immediately.

The bill entitled "An act authorizing the village of Dunkirk, in the county of Chautauqua, to purchase, take and hold land within or without the bounds of said village for a cemetery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Freer	Montgomery	Tobey
Bell	Cornell	Hardin	Murphy	Willard
Bradley	Farrar	Hutchinson	Prayn	Woodruff
Connolly	Folger	Little	Smith	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bailey	Cornell	Hardin	Murphy	Tobey
Bell	Farrar	Hutchinson	Pruyn	Willard
Connolly	Folger	Little	Ramsey	Woodruff
Cook	Freer	Montgomery	Smith	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to provide for the payment of work done and materials furnished on superintendent's section number twelve of the Erie canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Bailey	Farrar	Hutchinson	Pruyn	Traman
Connolly	Folger	Little	Ramsey	Willard
Cook	Freer	Munroe	Robertson	Young
Cornell	Hardin	Murphy	Smith	

19

**FOR THE NEGATIVE.**

Bell	Tobey	
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the publication of notices by the Contracting Board," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Bailey	Cornell	Hutchinson	Pruyn	Tobey
Bell	Farrar	Little	Ramsey	Willard
Bradley	Folger	Low	Robertson	Woodruff
Connolly	Freer	Montgomery	Smith	Young
Cook	Hardin	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Bailey	Farrar	Montgomery	Robertson	Willard
Connolly	Freer	Murphy	Smith	Woodruff

Cook	Hutchinson	Pruyn	Tobey	Young	
Cornell	Little	Ramsey	Truman		19

## FOR THE NEGATIVE.

Bell 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act making further provisions relative to encroachments upon highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cook	Freer	Montgomery	Smith	
Bell	Cornell	Hardin	Murphy	Tobey	
Bradley	Farrar	Little	Ramsey	Willard	
Clark	Folger	Low	Robertson	Young	
Connolly					21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cornell	Hutchinson	Pruyn	Tobey	
Bell	Farrar	Little	Ramsey	Truman	
Bradley	Folger	Montgomery	Robertson	Willard	
Clark	Freer	Murphy	Smith	Young	
Cook	Hardin				23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for families of volunteers in the service of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Munroe	Smith	
Bell	Cornell	Hutchinson	Murphy	Tobey	
Bradley	Farrar	Little	Pruyn	Truman	
Clark	Folger	Low	Ramsey	Willard	
Connolly	Freer	Montgomery	Robertson	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend chapter 813 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861."

*Ordered*, That the Clerk return said bill to the Assembly.

The bill entitled "An act for the release of certain lands and real estate of which Thomas Britton died seized to Eleanor Britton his widow," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Munroe	Smith
Bell	Cornell	Hutchinson	Murphy	Tobey
Bradley	Farrar	Little	Pruyn	Truman
Clark	Folger	Low	Ramsey	Willard
Connolly	Freer	Montgomery	Robertson	Young
				25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment :

"An act to authorize the common council of the city of Buffalo to borrow money."

"An act to authorize the trustees of the village of Yonkers to raise money by tax."

"An act to empower the Court of General Sessions of the Peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments."

"An act to facilitate the construction of a portion of the Erie canal enlargement."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Robertson moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President thereupon declared the Senate adjourned until Tuesday next, at 7 o'clock P. M.

TUESDAY, FEBRUARY 25, 1862.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of Wednesday last was read and approved.

Mr. Murphy presented a remonstrance of sundry residents and property owners of the town of New Utrecht, against the repeal of the act for the promotion of the public health in said town, which was read and referred to the committee on internal affairs of towns and counties.

Messrs. Woodruff, Tobey, Munroe and Cook, presented remonstrances against the passage of the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Pruyn presented a petition of inhabitants of the town of Bethlehem, Albany county, for the repeal of chapter 129, Laws of 1861, relative to a certain road in said town, which was read and referred to the committee on roads and bridges:

Mr. Low presented a petition of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and laid on the table.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to authorize the West Winfield Bank to reduce its capital," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The President presented a communication from the Auditor of the Canal Department, in the words following, to wit:

ALBANY, Feb. 21, 1862.

*To the President of the Senate:*

SIR,—I herewith transmit a resolution of the Canal Board, asking the concurrence of the Legislature in the reduction of the rates of tolls on the articles therein named.

I am respectfully your obedient servant,

N. S. BENTON, *Auditor.*

ALBANY, Feb. 18, 1862.

At a meeting of the Canal Board, held this day, the following resolutions were adopted:

*Resolved*, (if the Legislature concur,) That the rates of toll on buffalo, moose and deer skins, be reduced from five mills 1,000 pounds a mile to three mills; that the rates of toll on furs and skins of animals producing furs, be reduced from one cent a 1,000 pounds a mile, to three mills; that the rate of toll on mahogany (except veneering,) reduced to inch measure, be reduced from one cent and five mills per 1,000 feet a mile, to five mills and six-tenths of a mill; that the rates of toll on furniture for stores, not cast iron and on stove pipe be reduced from six mills a 1,000 pounds a mile to three mills; that the rate of toll on foreign salt be reduced from five mills a 1,000 pounds a mile to two and a half mills, and that the rate of toll on gypsum, foreign and the product of other States, be reduced from three mills a 1,000 pounds a mile, to two mills.

*Resolved*, That the Auditor transmit a copy of the above resolution to the Legislature and request a concurrence therein on behalf of this Board.

I certify that the above are true copies of the original resolutions.

N. S. BENTON, *Auditor.*

*Ordered*, That said resolution be referred to the committee on canals.

The Assembly sent for concurrence the following entitled bills:

"An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the International Bridge company, passed April 17, 1857,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to enable the town of Galen to raise money to complete and furnish the town house and lock-up, erected in the village of Clyde, in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to incorporate the Firemen of the city of Schenectady, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice, Mr. Ramsey asked and obtained leave

to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad companies and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853, and amended June 30, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Connolly moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," and that the same be recommitted to the committee on cities and villages, and that when reported it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

"An act to make the common schools free in district No. 5, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose."

"An act to authorize the city of Schenectady to purchase a steam fire engine."

After some time spent therein, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the passage of said bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to dividends of Life Insurance companies."

"An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes."

"An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the pas-

sage of the second named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to incorporate the Middletown Savings Bank."

"An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer."

"An act to authorize the Greenwood cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

On motion of Mr. Bradley, the Senate adjourned.

### WEDNESDAY, FEBRUARY 26, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of yesterday was read and approved.

Messrs. Murphy, Ganson, Angel, Smith and Connolly, presented remonstrances against the passage of the act in relation to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Murphy presented a petition of Robert T. Hicks and others, for the repeal of the act to widen Main street, in the city of Brooklyn, which was read and committed to the committee of the whole.

Mr. Robertson presented three petitions of citizens of New York, in favor of the act to confer additional powers upon the Metropolitan police, relating to the inspection of steam boilers, which were read and committed to the committee of the whole.

Mr. Low presented two petitions of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which were read and referred to the committee on the judiciary.

Mr. Bailey presented a petition of members of the bar of Oneida county, for the repeal of chapter 210 of the Laws of 1861, in relation to trials by jury, which was read and referred to the committee on the judiciary.

Mr. Smith presented a petition of Col. R. B. Clark and others, for pay for uniforms used in volunteer service, which was read and referred to the committee on militia and public defence.

Mr. Angel presented a petition of Joseph B. Welch and others, in favor of the act in relation to suits upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.



By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize the county treasurer of the county of Westchester, to issue bonds upon the credit of said county for the relief of the families of volunteers, and for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to authorize the Brooklyn, Bath and Coney Island railroad company to use rails of not less weight than forty pounds to the lineal yard in the construction of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Smith offered the following resolution:

*Resolved*, That 300 extra copies of the Assembly bill No. 214, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the national guard of the State of New York, and for the public defence," be printed for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend chapter 201 of the Laws of 1860, relative to laying out certain streets and avenues in the city of New York."

"An act to make the common schools free in district No. 5, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose."

"An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes."

Mr. Robertson moved that the bill entitled "An act defining and regulating the powers, duties and compensation of the Captain of the port and Harbor Masters of the port of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of going into executive session, being the bills entitled as follows:

"An act defining and regulating the powers, duties and compensation of the Captain of the port and Harbor Masters of the port of New York."

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose."

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same."

After some time spent therein, the President resumed the chair, and Mr.

Low, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Freer renewed the motion made in committee of the whole, to amend by striking out in section 1, the words "nine of said Harbor Masters shall reside, after their appointment, and during their term of office, in the city of New York, and two in the city of Brooklyn."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Angel	Folger	Ganson	Hutchinson	Richards	
Cook	Freer				7

FOR THE NEGATIVE.

Bailey	Cornell	Munroe	Robertson	Tobey	
Bradley	Hardin	Murphy	Smith	Woodruff	
Connolly	Low	Ramsey			12

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Low, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Low, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Murphy moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be referred to a select committee consisting of the Senators from the county of Kings, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The hour of fifteen minutes to two having arrived, the President announced that the Senate would stand adjourned until to-morrow morning at 11 o'clock.

THURSDAY, FEBRUARY 27, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Porter.

The journal of yesterday was read and approved.

Mr. Angel presented a petition of Mrs. Jane Lavery for canal damages, which was read and referred to the committee on claims.

Also, a petition of Charles Davenport and 50 other citizens of Allegany county, in favor of the passage of the act in relation to suits brought by Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Bell presented a petition of citizens of Belleville, Jefferson county, for a separate road district, which was read and referred to the committee on roads and bridges.

Also, three petitions of citizens of Jefferson county for repeal of the act of 1855, allowing residents on the line of plank roads to work out their highway tax on said roads, which were read and referred to the committee on roads and bridges.

Also, a petition of citizens of Carthage, for the imposition of tolls on freight passing over certain railroads, which was read and referred to the committee on finance.

Messrs. Ganson, Willard, Tobey and Hutchinson, presented remonstrances against passage of act in relation to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Folger presented a petition of citizens of Ontario county, for the extension of the provisions of the bill in relation to hawkers and peddlers, which was read and committed to the committee of the whole.

Mr. Ramsey presented a memorial of citizens of New York, against chartering more savings banks in that city, which was read and referred to the committee on banks.

Mr. Low presented two petitions of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements thereon, which were read and referred to the committee on the judiciary.

Mr. Bailey presented six petitions of citizens of Oneida county, in favor of the act in relation to suits brought by receivers of Mutual Insurance companies, which were read and committed to the committee of the whole.

A message from the Assembly was received and read, in the words following, to wit:

On motion of Mr. Alvord—

*Resolved*, That a respectful message be sent to the Senate requesting that body to transmit to this House the papers on its files relating to the payment of certain moneys to Nelson Phillips, and that when received they be referred to the committee of ways and means.

By order.

J. B. CUSHMAN, Clerk.

*Ordered*, That the Clerk transmit said papers to the Assembly.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the city of Schenectady to purchase a steam fire engine."

"An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer."

"An act in relation to the dividends of Life Insurance companies."

"An act to authorize the Greenwood cemetery to sell and dispose of a gore of land owned by them contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets."

"An act defining and regulating the powers, duties and compensation of the Captain of the port and Harbor Masters of the port of New York."

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

"An act to incorporate the Middletown Savings Bank."

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the support of the poor of the county of Columbia," with instructions to report a general act of the same tenor, reported by bill entitled "An act in relation to superintendents of the poor," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of families of volunteers in the service of the United States, from the town of Salisbury, in the county of

Herkimer," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Canandaigua Walton Club," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of John Gihon for relief, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to allow the negotiation of personal securities at short credits," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of members of the bar of Oneida county, for the repeal of chapter 210 of the Laws of 1861, reported in favor of the adoption of the following resolution :

*Resolved*, That the committee on judiciary be discharged from the further consideration of the said petition, and that the same be referred to the committee of the whole, having in charge a bill amendatory of the said act.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the fees of sheriffs," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Cornelius and Mary Austin, for a release of land in Clinton county, reported adversely thereto, which report was agreed to and the prayer of the petitioners denied.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Smith, from a majority of the committee on medical societies, to which was referred the bill entitled "An act to incorporate the Homeopathic Medical Society of the State of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of Assembly bill No. 214, in relation to public defence, reported in favor of the adoption of the following resolution :

*Resolved*, That 300 extra copies of the Assembly bill No. 214, entitled "An act to provide for the enrollment of the militia, the organization and discipline of the national guard of the State of New York, and for the public defence," be printed for the use of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Murphy, from the select committee consisting of the Senators from Kings county, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government and to incorporate the same, passed April 17, 1854,' and the several acts," &c.,

with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend the charter of the village of Saratoga Springs."

"An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, eighteen hundred and sixty-two."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the following entitled bill:

"An act to revise the charter of the city of Utica," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bailey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Ganson	Munroe	Smith
Bailey	Cook	Hardin	Murphy	Tobey
Bell	Folger	Hutchinson	Pruyn	Willard
Bradley	Freer	Little	Robertson	Woodruff

20

On motion of Mr. Bailey and by unanimous consent, the rules were suspended and the Clerk ordered to transmit said bill to the Assembly immediately, informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly also sent for concurrence the following entitled bill:

"An act for the relief of Wm. Monteath," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to authorize attorneys residing in adjoining States, to practice in the courts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to authorize the Brooklyn city and Newtown Railroad company to lay their track with rails of less weight than required by the general railroad act, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in certain towns in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to incorporate the Starr Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to extend the time for the collection of taxes in the town of Queensbury, in the county of Warren," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Little and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Ramsay	Smith
Bailey	Cornell	Little	Richards	Truman
Bradley	Freer	Munroe	Robertson	Willard
Connolly	Ganson	Murphy	Sanford	

19

## FOR THE NEGATIVE.

Bell	Folger	Hardin	Tobey	
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4

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend section 36, of article 2, title 10, chapter 8, of the 3d part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Smith
Bailey	Cornell	Hutchinson	Ramsay	Tobey
Bell	Folger	Little	Richards	Truman
Bradley	Freer	Low	Robertson	Willard
Connolly	Ganson	Munroe	Sanford	Woodruff

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to make the common schools free in district number five, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Richards	Tobey
Bailey	Cornell	Low	Robertson	Truman
Bell	Folger	Munroe	Sanford	Willard
Bradley	Freer	Murphy	Smith	Woodruff
Connolly	Hardin	Ramsay		

28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the city of Schenectady to purchase a steam fire engine," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Ramsey	Tobey	
Bailey	Cook	Low	Richards	Truman	
Bell	Freer	Munroe	Robertson	Willard	
Bradley	Hardin	Murphy	Sanford	Woodruff	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Folger	Hutchinson	Ramsey	Tobey	
Bell	Freer	Low	Richards	Truman	
Bradley	Ganson	Munroe	Robertson	Willard	
Connolly	Hardin	Murphy	Sanford	Woodruff	21
Cook					

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Middletown Savings Bank," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Smith	
Bailey	Folger	Hutchinson	Pryn	Tobey	
Bell	Freer	Low	Richards	Willard	
Bradley	Ganson	Munroe	Sanford	Woodruff	
Connolly					21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Ramsey	Tobey	
Bailey	Folger	Little	Richards	Truman	
Bell	Freer	Low	Robertson	Willard	
Bradley	Ganson	Munroe	Sanford	Woodruff	
Connolly	Hardin	Murphy	Smith		24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the dividends of Life Insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Smith
Bailey	Folger	Little	Pruyn	Tobey
Bell	Freer	Low	Richards	Woodruff
Connolly	Ganson	Munroe	Sanford	

19

## FOR THE NEGATIVE.

Robertson

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Ramsey	Smith
Bailey	Folger	Munroe	Richards	Tobey
Bell	Freer	Murphy	Robertson	Willard
Connolly	Ganson	Pruyn	Sanford	Woodruff
Cook	Hardin			

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the Greenwood cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Smith
Bailey	Folger	Hutchinson	Pruyn	Tobey
Bell	Freer	Little	Richards	Willard
Connolly	Ganson	Munroe	Robertson	Woodruff

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act defining and regulating the powers, duties and compensation of the Captain of the port and Harbor Masters of the port of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Ramsey	Smith
Bailey	Folger	Low	Richards	Tobey
Bell	Freer	Munroe	Robertson	Truman
Bradley	Ganson	Murphy	Sanford	Willard
Connolly	Hardin	Pruyn		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



Mr. Robertson moved that the committee on internal affairs of towns and counties, be discharged from the further consideration of the bill entitled "An act to extend the time for the collection of taxes in certain towns in the county of Westchester," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cook	Little	Ramsey	Smith
Bailey	Freer	Munroe	Richards	Willard
Bell	Ganson	Murphy	Robertson	Woodruff
Bradley	Hardin	Pruyn	Sanford	

19

FOR THE NEGATIVE.

Folger	Tobey	
--------	-------	--

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Richards offered the following resolution:

*Resolved*, That hereafter the Senate will take a recess on Tuesdays and Thursdays from fifteen minutes before two until 7 o'clock P. M., for the purpose of holding evening sessions on those days, for the consideration of general orders only.

Mr. Truman moved to amend by striking out all after the word "resolved," and inserting as follows:

"That hereafter the Senate will meet at 10 A. M., on Tuesdays and Thursdays, and take a recess at one o'clock, and meet also on those days at 4 o'clock P. M., and adjourn at half past six, the afternoon sessions for the consideration of general orders only."

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

On motion of Mr. Little—

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853," be recommitted to the committee on insurance, and that when reported it retain its place on general orders.

Mr. Freer offered the following resolution:

*Resolved*, That there be printed twenty copies for each member, officer and reporter of the Senate, of the annual report of the State Engineer and Surveyor on railroads, in the same manner as those ordered by the Assembly.

*Ordered*, That said resolution be referred to the committee on public printing.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock P. M.

## SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows :

"An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860."

"An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857."

"An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks."

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Freer, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Freer, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Robertson moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to the committee on the judiciary, and that when reported it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act passed April 3, 1861, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854.'"

"An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Buffalo,' passed March 23, 1837."

"An act to confer additional powers upon the Metropolitan Police relating to the inspection of steam boilers."

After some time spent therein, the President resumed the chair, and Mr. Richards, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Richards, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Sanford moved that the bill entitled "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county."

"An act to amend the several acts incorporating the village of Fulton, in the county of Oswego."

"An act to provide for the taxation of dogs and for the collection thereof, and to create a fund to pay for damages inflicted upon sheep by dogs."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Tobey, from the same committee, reported progress on the second named bill, and asked leave to sit again.

Mr. Sanford moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to a select committee consisting of the Senator from the 21st, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Tobey, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Freer, the Senate adjourned.

## FRIDAY, FEBRUARY 28, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of yesterday was read and approved.

Messrs. Hardin and Ramsey presented petitions of citizens of Schoharie and Otsego counties, for State aid to build Albany and Susquehanna railroad, which were read and laid on the table.

Mr. Farrar presented a petition of citizens of Rochester, in favor of the concurrent resolutions to amend the Constitution so as to prohibit the sale of intoxicating drinks, which was read and referred to the committee on internal affairs of towns and counties.

Also, a remonstrance of Daniel H. Lamb, of Cleveland, Ohio, against an act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Low presented a petition of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and referred to the committee on the judiciary.

Mr. Murphy presented a petition of sundry citizens of Brooklyn, for repeal of the act in relation to a park and parade ground in said city, which was read and referred to the committee on cities and villages.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

Mr. Hutchinson presented resolutions of the board of trustees of Niagara city, against amendment of their charter, which were read and referred to the committee on cities and villages.

Also; a remonstrance of merchants and others of Albion, Orleans county, against the passage of the act in relation to hawkers and peddlers, which was read and committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860."

"An act to extend the time for the collection of taxes in the town of Queensbury, in the county of Warren."

"An act to extend the time for the collection of taxes in certain towns in the county of Westchester."

"An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county."

"An act to amend an act passed April 3d, 1861, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854.'"

"An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad."

"An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association, of Buffalo,' passed March 23, 1837."

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize attorneys of the Supreme Court of this State, residing in adjoining States, to practice in the courts of this State," reported in favor of the passage of the same, with amendments.

By unanimous consent, Mr. Connolly moved that the rules be suspended and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Ramsey	Smith
Bell	Farrar	Little	Richards	Tobey
Bradley	Folger	Munroe	Robertson	Truman
Connolly	Ganson	Murphy	Sanford	Willard
Cook	Hardin	Pruyn		

23

On motion of Mr. Connolly and by unanimous consent, the rules were suspended, and said bill ordered transmitted to the Assembly immediately, requesting their concurrence therein.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Brooklyn city and Newtown railroad company to lay their track with rails of less weight than required by the general railroad act, and for other purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Brooklyn, Bath and Coney Island railroad company to use rails of not less weight than forty pounds to the lineal yard in the construction of their road," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to compensate bona fide occupants and purchasers of wild lands in Sullivan county, for their improvement made prior to the year A. D. 1857," reported adversely thereto.

Mr. Low moved that the report of the committee be disagreed to, and that said bill be committed to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 36, of article 2, of title 10, chapter 8, of part 3d of Revised Statutes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was recommended the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853," reported that they have made sundry amendments thereto, and amended the title by striking out all after the words "eighteen hundred and fifty-three," first occurring, and inserting in lieu thereof the words "and to amend the several acts amending the same," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on State prisons, to which was referred the bill entitled "An act to increase the duties and compensation of the physicians respectively of the Sing Sing, Auburn and Clinton prisons," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sanford, from the select committee consisting of the Senator from the 21st, to whom was referred the bill entitled "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the managers of the New York House of Refuge, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed 500 copies of the report of the managers of the New York House of Refuge, for the use of the managers of said institution, and 500 copies for the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the State Engineer and Surveyor on railroads, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed twenty copies for each member, officer and reporter of the Senate, of the annual report of the State Engineer and Surveyor on railroads, in the same manner as those ordered by the Assembly, and to be paid for in the same manner.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill to amend the Laws passed in 1861, regulating the fire department of the city of New York.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill to regulate the bringing of writs of error in certain criminal cases.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act to authorize the laying of a railroad track in certain streets and avenues in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act in relation to documentary evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to repeal an act entitled 'An act to amend an act passed July 21, 1853, entitled 'An act to amend an act to provide for the incorporation of companies to construct plank roads, passed May 7, 1847,' and the act amendatory thereof, passed April 14, 1855,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to declare the village of Belleville a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings Bank,' passed April 9, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The third reading of the bill entitled "An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad," having been announced—

Mr. Bell moved to recommit said bill to the select committee reporting the same, with instructions to amend by striking out in section four, the words following, to wit:

"The State to own so much of the road as by this act is contributed towards its construction; and the Comptroller, on behalf of the State, is hereby authorized to demand and receive of the said company, stock therein, to that amount, together with the avails of the same, to be applied to and for the uses of the general fund; but the State shall not in any manner be liable on account of said stock beyond the sum hereby appropriated."

Mr. Farrar moved further to amend so that the committee be also instructed to so amend the bill as to make the grant of the \$250,000 a loan instead of a subscription for that amount of the capital stock of the company.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Bell, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Farrar	Folger	Ganson	Tobey
Bell				

6

#### FOR THE NEGATIVE.

Angel	Cornell	Little	Pruyn	Truman
Bradley	Froer	Low	Ramsey	Willard
Connolly	Hardin	Munroe	Sanford	Woodruff
Cook	Hutchinson	Murphy	Smith	

19

By unanimous consent, Mr. Ramsey moved that said bill be amended by striking out the words in section four, "the State to own so much of the road as by this act is contributed towards its construction;" also the following words at the end of said section, "beyond the sum hereby appropriated;" also strike out the words "that amount," in same section, and insert in lieu thereof the words "the amount of two hundred and fifty thousand dollars."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Ramsey	Truman	
Bailey	Cornell	Munroe	Robertson	Willard	
Bradley	Farrar	Murphy	Sanford	Woodruff	
Connolly	Folger	Pruyn	Smith		19

#### FOR THE NEGATIVE.

Bell	Ganson	Little	Richards	Tobey	
Freer	Hardin	Low			8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Munroe	Sanford	
Bailey	Cornell	Hardin	Murphy	Smith	
Bell	Farrar	Hutchinson	Pruyn	Tobey	
Bradley	Folger	Little	Ramsey	Truman	
Connolly	Freer	Low	Richards	Willard	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act passed April 3, 1861, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government and to incorporate the same,' passed April 17, 1854,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Pruyn	Sanford	
Bailey	Farrar	Little	Ramsey	Smith	
Bradley	Folger	Low	Richards	Tobey	
Connolly	Freer	Munroe	Robertson	Willard	
Cook	Hardin	Murphy			23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Buffalo,' passed March 23, 1887," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Ramsey	Smith
Bailey	Folger	Little	Richards	Tobey
Bradley	Freer	Munroe	Robertson	Truman
Connolly	Ganson	Murphy	Sanford	Willard
Cook	Hardin	Pruyn		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Ramsey	Smith
Bailey	Folger	Munroe	Richards	Tobey
Bradley	Ganson	Murphy	Robertson	Truman
Connolly	Hardin	Pruyn	Sanford	Willard
Cook	Hutchinson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Sanford offered the following resolution:

*Resolved*, That the committee on internal affairs of towns and counties, be discharged from the further consideration of the Assembly bill entitled "An act to enable the town of Galen to raise money to complete and furnish the town house and lock-up, erected in the village of Clyde, in said town," and that the same now have its third reading.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Murphy	Sanford
Bailey	Farrar	Hutchinson	Pruyn	Smith
Bradley	Folger	Little	Ramsey	Tobey
Connolly	Freer	Munroe	Robertson	Truman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Robertson moved that the committee on the judiciary be discharged from the further consideration of the bill entitled "An act to authorize the county treasurer of the county of Westchester, to issue bonds upon the credit of said county for the relief of the families of volunteers, and for the payment thereof," and that said bill be printed and laid on the table.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Hardin—

*Resolved*, That the resolution appointing Orrin Abbott, assistant to the Sergeant-at-Arms, be rescinded and that he be appointed an assistant door-keeper, to take charge of the door leading from the cloak room into the Senate chamber.

On motion of Mr. Low—

*Resolved*, That the Comptroller be requested to report to the Senate copies of all bills paid for advertising by the State during the years 1860 and 1861, except for publishing the official State canvass, heretofore reported to the Legislature.

Mr. Robertson offered the following resolution:

*Resolved*, That Assembly bill No. 18, and Senate bill No. 111, relative to "actions upon premium notes," together with all petitions and remonstrances thereto, be taken from the committee of the whole and referred to the judiciary committee, and that when reported it retain its place on general orders.

Pending the question on the adoption of said resolution—the hour of fifteen minutes to two having arrived—the President announced that the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## SATURDAY, MARCH 1, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Porter.

The journal of yesterday was read and approved.

Mr. Bell presented a memorial of the New York Historical Society, requesting the Legislature to provide for the appointment of a suitable person to collect and publish the facts and statistics relating to the agency of this State in the suppression of the present rebellion, which was read and referred to the committee on literature.

Mr. Folger presented a resolution of supervisors of Ontario county, that vagrants be sent to the work house at Rochester, which was read and referred to the committee on the judiciary.

Messrs. Truman and Richards, presented remonstrances against passage of act relating to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Montgomery presented a petition of Walter Wilson and 50 other citizens of St. Lawrence county, praying for the repeal of the act to authorize the formation of town Insurance companies, which was read and referred to the committee on insurance companies.

Mr. Sanford presented a petition of forwarders of Oswego, in relation to damages sustained at weigh locks, which was read and referred to the committee on canals.

Mr. Richards presented a petition of citizens of Rensselaer county, in relation to the appointment of a keeper and physician of the House of Industry in said county, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Munroe presented a petition of citizens of Onondaga county, for the passage of the act concerning the public health of the counties of New York,

Kings and Richmond, and the waters thereof, which was read and referred to the committee on commerce and navigation.

Mr. Smith presented a petition of the Williamsburgh Savings Bank, for an amendment of their charter, which was read and referred to the committee on banks.

Mr. Pruyn presented a memorial of Dr. Edward Duffey, of Albany, in relation to the late cattle plague, which was read and referred to the committee on agriculture.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize attorneys of the Supreme Court of this State, residing in adjoining States, to practice in the courts of this State."

Also, as correctly re-engrossed:

"An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad."

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act relative to documentary evidence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for reimbursing the relief committee of the town of Herkimer for moneys expended by them for the support of the families of enlisted soldiers," reported that they have made several amendments thereto, and have amended the title as follows:—"An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was recommended the bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act in relation to assessments for improvements in the city of New York," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others, whenever a portion of the pavement is temporarily removed," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of William Monteath," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the

bill entitled "An act to authorize the appraisal and payment of the claim of Moses Berzee," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Truman, from the committee on claims, to which was referred the bill entitled "An act authorizing the appraisal and payment of damages to Buel Race, caused by a breach in the Chenango canal, in the town of Oxford, Chenango county," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Starr Institute," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the American Missionary Association," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the petition of R. D. Hulin and others, for the dissolution of a religious corporation in Saratoga Springs, reported by bill entitled "An act to dissolve the First Society of United Christian Friends called Restorationists," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, reported a bill entitled "An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the bill entitled "An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof and to consolidate the acts relating thereto," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the bill entitled "An act regulating the sale of hay and straw in the cities of New York and Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills:

"An act to authorize the commissioners of highways of the town of Fishkill, in the county of Dutchess, and the towns of Rosendale and Marlboro, in the county of Ulster, to appoint overseers of highways in said towns," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Murphy	Robertson
Bailey	Folger	Little	Pruyn	Sanford
Bell	Freer	Low	Ramsey	Smith
Connolly	Ganson	Montgomery	Richards	Tobey
Cook				

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and the Clerk ordered to transmit said bill to the Assembly immediately, informing that the Senate have concurred in the passage of the same, without amendment.

"An act to amend an act entitled 'An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of Francis M. McFarlin and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of the Ulster and Delaware plankroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the claim of S. & J. M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river at the village of Seneca Falls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to re-appropriate certain moneys for the enlargement and completion of the canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river at Clarissa street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act chapter 274, Laws of 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act relating to superintendents of the poor and temporary relief in Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act providing for the distribution of soldiers allotments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act relating to attorneys and counsellors in justices' courts, and prohibiting a justice of the peace practicing in such courts as attorney," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to regulate the bringing of writs of error in certain criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States, and within this State, on the first day of March A. D. 1862," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill was referred to the committee of the whole.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

Mr. Munroe offered the following resolution:

*Resolved*, That there be printed for the Senate 500 copies of the report of the select committee relative to the Harbor Masters of New York.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857."

*Ordered*, That the Clerk return said bill to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose."

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

"An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Hardin moved that the committee of the whole be discharged from the further consideration of said bill, that it be recommitted to the committee on roads and bridges, and when reported retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Montgomery, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger offered the following preamble and resolutions:

*Whereas*, It has pleased Him from whom is the life of all men, to suddenly recall that of Joseph Garlinghouse, late the janitor of the Senate chamber; therefore,

*Resolved*, That while we recognize in this event the act of Allwise Power, we cannot fail to regret the loss of a faithful and diligent public officer, and to sympathize with those relatives of the deceased who are more tenderly touched by it.

*Resolved*, That as a merited mark of respect, these resolutions be entered in the journal of the Senate, and that the Senate do now adjourn.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

The President thereupon declared that the Senate would stand adjourned until Monday morning at 11 o'clock.

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### MONDAY, MARCH 3, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of Saturday was read and approved.

Messrs. Hutchinson, Ganson and Young presented remonstrances against passage of act relating to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Folger presented a petition of Miss Emma Hardinge and fifty-one others, to provide an Industrial Home for cast out women, which was read and referred to the committee on charitable and religious societies.

Mr. Ramsey presented a petition of Peter Cooper and thirty others of New York, on same subject, which was read and referred to the committee on charitable and religious societies.

Mr. Ganson presented a petition of the Erie County Savings bank, for an amendment of their act of incorporation, which was read and referred to the committee on banks.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred so much of the Governor's message as relates to the license laws, reported by bill entitled "An act supplemental and amendatory to an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act to re-appropriate certain moneys for the enlargement and completion of the canals," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the International Bridge company, passed April 17, 1857,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," reported in favor of the passage of the same.

On motion of Mr. Angel and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Montgomery	Sanford
Bailey	Farrar	Hardin	Murphy	Smith
Bell	Folger	Hutchinson	Pruyn	Truman
Bradley	Freer	Little	Ramsey	Young
Connolly				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger gave notice that he would, at an early day, ask leave to introduce a bill in relation to persons convicted of vagrancy in the county of Ontario.

Also, a bill in relation to the appropriation of labor on the highways.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Erie County Savings Bank,' passed April 10, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to incorporate the Society of Canadasagas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act for the relief of Mary Jane Ratz," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854, and the several acts amendatory thereof and supplemental thereto, or affecting the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Montgomery	Sanford
Bailey	Farrar	Hardin	Murphy	Smith
Bell	Folger	Hutchinson	Pruyn	Truman
Bradley	Freer	Little	Ramsey	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857."

The bill entitled "An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Montgomery	Sanford
Bailey	Farrar	Hardin	Murphy	Smith
Bell	Folger	Hutchinson	Pruyn	Truman
Bradley	Freer	Little	Ramsey	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bell offered the following preamble and resolution :

*Whereas*, At the last session of the Legislature the following amendment to the Constitution was proposed, viz: That the Constitution of this State be amended as follows :

The sale of intoxicating liquors is hereby prohibited ; and no law shall be enacted or be in force after the adoption of this amendment to authorize such sale ; and the Legislature shall by law prescribe the necessary fines and penalties for any violation of this provision.

*And whereas*, The said proposed amendment was then agreed to by a majority of the members elected to each of the two Houses and entered on the journals with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of Senators then ensuing.

*And whereas*, The said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution.



*Resolved*, (if the Assembly concur,) That this Legislature do agree to the proposed amendment.

*Ordered*, That said resolution be laid on the table.

Mr. Hardin called for the consideration of the following concurrent resolutions, in relation to all claims growing out of or in any manner connected with the canals of this State :

*Resolved*, (if the Assembly concur,) That all petitions, papers and claims for damages, growing out of, or in any wise connected with the canals of this State, shall, in the first instance be referred to the Canal Contracting Board.

It shall be the duty of the said Board, or a majority of them, during the present year, to personally visit the location and premises upon which such claim is founded, and there examine and inquire into all facts in relation to such claim, either by sworn testimony or otherwise ; and if such claim is founded upon or grows out of any contract for the construction or repair of any work connected with the canals of this State, after ascertaining all the facts connected with such construction or repair, the Board shall then state in their report, the original estimate of the engineer of the cost of constructing such work, and the actual cost as paid by the State in the final account rendered, and if the latter shall exceed the former, state whether such excess was caused by a change of plan of the work, by unforeseen difficulties in its prosecution, or for extra labor done or materials furnished, which were not contemplated at the time of making the contract ; and to state further, what allowances if any, have been made upon such claim or contract, either in the final account, or by the Canal Commissioners, the Canal Board or the Legislature.

If the claim is for labor done or materials furnished, for which no contract was made, or for diversion or temporary appropriation of water ; for injury to land by breaks in the canal ; for injury consequent upon navigation ; for injuries or damages sustained, caused by or in any way connected with the canals of this State, to report all the facts in the manner above stated, upon each claim separately in writing, to the Legislature at its next session after such claim is presented.

*Resolved*, That the resolution of the Senate in relation to canal claims, passed January 22, 1858, and published in the Red Book of 1861, at page 524, be and the same is hereby rescinded.

Mr. Hardin moved to amend said resolutions by inserting after the word "year" first occurring, the words "and from time to time hereafter."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ganson moved further to amend by inserting after word "otherwise" the words "and to examine such witnesses as may be produced before them."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Angel moved to amend by striking out the words "Contracting Board" and inserting in lieu thereof the word "Appraisers."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the adoption of said resolutions, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolutions to the Assembly, and request their concurrence therein.

Mr. Angel offered the following resolution :

*Resolved*, That the committee of the whole be discharged from the further consideration of the Assembly bill No. 13, and of Senate bill No. 111, entitled respectively—

“An act in relation to actions upon premium notes given to Mutual Insurance companies.”

“An act in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies.”

And that the same be referred to the committee on the judiciary, and that when reported they retain their place upon the general orders.

Mr. Bell moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly, “An act to amend the charter of the Republic Fire Insurance company.”

“An act relative to the trial of offences committed against joint stock associations.”

“An act to amend an act entitled ‘An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,’ passed April 14, 1855.”

After some time spent therein, the President resumed the chair, and Mr. Pruyn, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Pruyn, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Pruyn, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

“An act to amend an act entitled ‘An act for the preservation of moose, wild deer, birds and fish,’ passed April 14, 1860.”

“An act to amend an act entitled ‘An act in relation to the punishment of crimes in certain cases,’ passed April 11, 1856.”

“An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge.”

After some time spent therein, the President resumed the chair, and Mr. Little, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Little, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Little, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Freer moved to recommit said bill to the committee on the judiciary, and that when reported it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## TUESDAY, MARCH 4, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Seelye.

The journal of yesterday was read and approved.

Messrs. Robertson, Truman and Smith, presented memorials of citizens of this State, in favor of the passage of the act concerning the public health in the counties of New York, Kings and Richmond, and the waters thereof, which were read and referred to the committee on commerce and navigation.

Mr. Freer presented a petition of inhabitants of the town of Coxsackie, for the abandonment of part of the Albany and Greene turnpike road, which was read and referred to the committee on roads and bridges.

Mr. Connolly presented a remonstrance of Houghton, Smith & Co., of England, and others of the various States and Territories of this Union, against the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and committed to the committee of the whole.

Mr. Truman presented a petition of citizens of Tioga county, for the completion of the Chenango canal, which was read and referred to the committee on canals.

Mr. Cook presented a petition of Samuel S. Ellsworth, for an amendment of the act passed for his relief, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented a remonstrance of Anthony Mathews and others, against the passage of a law authorizing the corporation of Albany to grade and pave Columbia avenue, in the town of Watervliet, which was read and referred to the committee on cities and villages.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855."

"An act to amend an act entitled 'An act for the preservation of moose, wild deer, birds and fish, passed April 14, 1860.'"

"An act relative to the trial of offences committed against joint stock associations."

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the petitions of citizens of several counties for the repeal of the act to authorize the formation of Town Insurance companies, reported by bill

entitled "An act to repeal chapter 739 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to Town Insurance companies," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act chapter 274, Laws of 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was re-committed the bill entitled "An act to provide for laying out and constructing a public highway in the county of Albany, and applying the non-resident taxes upon certain lands in said county for that purpose," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the relief of the Ulster and Delaware plankroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act relating to attorneys and counsellors in justices' courts, and prohibiting a justice of the peace practicing in such courts as an attorney," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the resolution of the board of supervisors of Ontario county, for an act to authorize vagrants to be sentenced to Monroe county penitentiary, reported by bill entitled "An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the workhouse in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Society of Canadasagas," reported adversely thereto.

Mr. Folger moved that said report be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act providing for the distribution of soldiers allotments," reported in favor of the passage of the same.

Mr. Smith moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to provide for the inspection of steam boilers and engines and their appurtenances, and regulating the use of the

same in the cities of New York and Brooklyn," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to incorporate the Metropolitan Cab company," reported adversely thereto.

Mr. Pruyn moved that said report be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to alter the commissioners' map of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act in relation to the village of Hempsted, in the county of Queens," reported adversely thereto.

Mr. Murphy moved that said report be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the New York Commercial Association," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860."

"Concurrent resolutions in relation to all claims growing out of, or in any manner connected with the canals of this State."

"An act to amend the several acts incorporating the village of Fulton, in the county of Oswego."

The Assembly sent for concurrence the following entitled bills:

"An act to provide for the examination of the accounts of the Treasurer and Canal Department, and the securities of the Bank Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to incorporate the Tompkinsville Fire Police company, of the village of Tompkinsville, town of Castleton, Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to incorporate the Life Insurance and Mutual Aid Society of the East Genesee Annual Conference," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to confirm certain acts of the officers and constituted authorities of the town of New Lotts, county of Kings and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to improve the Central park in the city of New York," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to exempt members of fire companies in unincorporated villages from poll tax for highway labor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to incorporate Friendship Hose company number two, of New Brighton, in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend an act entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,' passed April 10, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act for the relief of Adden Bardin, George Hahn, Nathaniel P. Osborn and John Fabrig, for canal damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to release the interest of the people of the State of New York in certain land, to William Bireury."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Freer asked and obtained leave to introduce a bill entitled "An act to abandon a part of the Albany and Greene turnpike road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to provide for the better assessment of real estate for highway labor, and for the better working of the same, and for the better keeping of highways in repair," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to provide for the selection of jurors in courts held by justices of the peace," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to authorize the Commissioners of the Sinking Fund of the city of New York, to sell certain lands in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Murphy	Smith
Bailey	Farrar	Hutchinson	Pruyn	Tobey
Bell	Folger	Little	Ramsey	Willard
Connolly	Freer	Montgomery	Robertson	Young
Cook	Ganson	Munroe	Sanford	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act relative to the trial of offences committed against joint-stock associations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Richards	Tobey
Bell	Folger	Montgomery	Robertson	Truman
Connolly	Freer	Murphy	Sanford	Willard
Cook	Ganson	Pruyn	Smith	Young
Cornell	Hardin	Ramsey		

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Ganson	Munroe	Sanford
Bailey	Farrar	Hardin	Murphy	Smith
Bell	Folger	Hutchinson	Ramsey	Truman
Connolly	Freer	Montgomery	Richards	Willard
Cook				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the preservation of moose, wild deer, birds and fish,' passed April 14, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Pruyn	Smith
Bailey	Farrar	Hutchinson	Ramsey	Truman
Bell	Folger	Montgomery	Richards	Willard
Connolly	Freer	Munroe	Sanford	Young
Cook	Ganson	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hardin offered the following resolution :

*Resolved*, That there be printed for each Senator and officer of the Senate, fifteen copies of the annual report of the Auditor of the Canal Department on trade, tolls and tonnage.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Connolly offered the following resolution :

*Resolved*, That the Clerk of the Senate procure for each Senator, officer and reporter of the Senate, the same number of copies for each, of the Red Book, as were furnished at the last session of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bell	Cook	Freer	Little	Ramsey	
Bradley	Cornell	Ganson	Munroe	Richards	
Connolly	Farrar	Hardin	Pruyn	Robertson	16

FOR THE NEGATIVE.

Angel	Hutchinson	Murphy	Smith	Willard	
Bailey	Montgomery	Sanford	Truman	Young	
Folger					11

Mr. Cook moved that the bill entitled "An act making appropriation from the Common School Library fund to the People's College," be made a special order for this evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson moved that the bill entitled "An act to amend section 12, of chapter 151 of the Laws of 1858, in relation to school district libraries," be made the special order for this evening, immediately after the bill in relation to the People's College.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows :

"An act for the relief of William Rumble and others."

"An act to prevent supervisors from holding county offices and taking certain contracts."

"An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849."

After some time spent therein, the President resumed the chair, and Mr. Willard, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Willard, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Robertson moved that the bill entitled "An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof," be taken from the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



Mr. Robertson moved that said bill be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock P. M.

### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows :

"An act for the relief of families of the New York State volunteers, in the town of Morristown."

"An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof."

Assembly, "An act providing for the distribution of soldiers' allotments."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Bailey, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows :

Assembly, "An act to appropriate the proceeds of the State tax for the support of common schools."

"An act making appropriations from the Common School Library fund to the People's College."

"An act to amend section 12, of chapter 151 of the Laws of 1858, in relation to school district libraries."

After some time spent therein, the President resumed the chair, and Mr. Folger, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

Mr. Ramsey moved that said bills be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Richards, the Senate adjourned.

## WEDNESDAY, MARCH 5, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

Messrs. Robertson, Angel and Truman, presented remonstrances against passage of act in relation to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Freer presented a remonstrance of 500 or more persons, against the passage of the act for the relief of the Ulster and Delaware plankroad company, which was read and committed to the committee of the whole.

Mr. Hutchinson presented a remonstrance of 143 voters and tax payers of Niagara city, against any amendment of their village charter, which was read and referred to the committee on cities and villages.

Mr. Connolly presented a petition of the board of officers of the 37th regiment New York State militia, to be refunded certain sums expended for arms, which was read and referred to the committee on militia and public defence.

Mr. Bell presented a memorial of the Presbytery of Troy, for the passage of the concurrent resolutions amending the Constitution so as to prohibit the sale of intoxicating liquor, which was read and laid on the table.

Mr. Farrar presented a memorial of John Sheridan, Peter Conway and James Seaton, for relief, which was read and referred to the committee on canals.

Mr. Smith presented a petition of F. D. Dennison and others, in favor of the act concerning the public health of the counties of New York, Kings and Richmond, and the waters thereof, which was read and referred to the committee on commerce and navigation.

Also, a petition of Samuel J. Hunt and others, to strike River street from the map of Williamsburgh, which was read and referred to the committee on cities and villages.

Mr. Folger, from the committee on the judiciary, to which was recommended the bill entitled "An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence and an increase of the amount to be paid them on their discharge," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the selection of jurors in courts held by justices of the peace," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to exempt members of fire companies in unincorporated villages from poll tax for highway labor," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the firemen of the city of Schenectady, and for other purposes," reported in favor of the

passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof."

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Life Insurance and Mutual Aid Society of the East Genesee Annual Conference," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Cayuga Asylum for Destitute Children, passed April 10, 1852," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act for the relief of the families of the New York State volunteers, in the town of Morristown."

"An act for the relief of William Rumble and others."

The President presented the annual report of the Secretary of State, in relation to the statistics of the poor, which was laid on the table and ordered printed.

(See Doc. No. 65.)

Mr. Cornell gave notice that he would, at an early day, ask leave to introduce a bill to authorize the construction of a railroad track in Grand and other streets in the city of New York.

Mr. Pruyn gave notice that he would, at an early day, ask leave to introduce a bill in relation to certain services rendered by Philip Phelps, Deputy Comptroller, and to provide compensation for the same.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to authorize the formation of Hackney Coach and Cab companies in the city of New York, and to regulate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend chapter 505 of the Laws of 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to create a board of commissioners of appeals of the New York Fire department,' passed March 2, 1861," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Woodruff and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel  
Bailey

Cook  
Cornell

Hutchinson  
Little

Ramsey  
Richards

Tobey  
Willard

Bell  
Bradley  
Connolly

Farrar  
Freer  
Hardin

Montgomery  
Munroe  
Pruyn

Robertson  
Sanford

Woodruff  
Young

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Willard asked and obtained leave to introduce a bill entitled "An act to facilitate the completion of the Adirondac estate and railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Willard asked and obtained leave to introduce a bill entitled "An act to facilitate the construction of a railroad through the Northern wilderness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Willard asked and obtained leave to introduce a bill entitled "An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act in relation to plank roads and turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Pruyn asked and obtained leave to introduce a bill entitled "An act in relation to certain services rendered by Philip Phelps, Deputy Comptroller, and to provide compensation for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to alter the map of the late village of Williamsburgh, now part of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The bill entitled "An act for the relief of the families of the New York State volunteers, in the town of Morristown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Bell  
Bradley  
Connolly

Cook  
Cornell  
Freer  
Ganson  
Hardin

Hutchinson  
Little  
Montgomery  
Munroe  
Murphy

Pruyn  
Ramsey  
Richards  
Robertson  
Sanford

Smith  
Tobey  
Truman  
Willard  
Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act for the relief of William Rumble and others," having been announced—

On motion of Mr. Truman and by unanimous consent, said bill was amended by inserting after the word "canal" in line eight, of engrossed bill, the words "Attorney General."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Pruyn	Smith	
Connolly	Folger	Little	Ramsey	Willard	
Cook	Freer	Munroe	Richards	Young	
Cornell	Hardin	Murphy	Robertson		19

FOR THE NEGATIVE.

Bailey	Bell	Ganson	Tobey	Truman	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bailey	Cornell	Little	Robertson	Truman	
Bradley	Freer	Munroe	Sanford	Willard	
Connolly	Hardin	Murphy	Smith	Young	
Cook	Hutchinson	Pruyn			18

FOR THE NEGATIVE.

Bell	Folger	Ganson	Richards	Tobey	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act providing for the distribution of soldiers' allotments," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Robertson	Truman	
Bailey	Farrar	Munroe	Sanford	Willard	
Bell	Folger	Murphy	Smith	Woodruff	
Bradley	Hardin	Richards	Tobey	Young	
Connolly	Hutchinson				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to appropriate the proceeds of the State tax for the support of common schools," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority.

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Richards	Truman
Dailey	Cornell	Manroe	Robertson	Willard
Bell	Folger	Murphy	Sanford	Woodruff
Bradley	Ganson	Prayn	Smith	Young
Connolly	Hardin	Ramsey		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Ramsey offered the following resolution :

*Resolved*, That the petition and papers on file relating to the claim of Cornelius Austin and Mary Austin, be taken therefrom and referred to the committee on claims.

Mr. Truman moved to amend by striking out the word "claims" and inserting in lieu thereof the words "militia and public defence."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution, as amended, and it was decided in the affirmative.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to amend an act entitled 'An act to create a board of commissioners of appeals of the New York Fire department,' passed March 2, 1862."

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to jurisdiction on divorces," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of going into executive session.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## THURSDAY, MARCH 6, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Seelye.

The journal of yesterday was read and approved.

Mr. Ramsey presented a petition of citizens of Schoharie county, in favor of submitting to the people the question of a prohibitory law, which was laid on the table.

Also, two petitions of citizens of Schenectady, for an amendment of the charter of the Schenectady Insurance company, which were read and referred to the committee on insurance companies.

Messrs. Ganson and Munroe presented remonstrances against passage of the act relative to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Freer presented a petition of Emma Hardinge and sixty-four others, to provide an Industrial Home for cast-out females, which was read and referred to the committee on charitable and religious societies.

Also, two petitions of citizens of New York, in favor of a railroad in 42d street, in said city, which were read and referred to the committee on cities and villages.

Mr. Sanford presented a petition of Miss Emma Hardinge and 297 others, to provide an Industrial Home for cast-out females, which was read and referred to the committee on charitable and religious societies.

Mr. Murphy presented a remonstrance of sundry tax payers and other inhabitants of the town of New Utrecht, against the repeal of the law in relation to the public health in said town, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Abbott presented a petition of Miss Emma Hardinge and eighty-eight others, to provide an Industrial Home for cast-out females, which was read and referred to the committee on charitable and religious societies.

Mr. Low presented two petitions of citizens of Sullivan county, to compensate bona fide purchasers of wild lands for improvements made thereon, which were read and committed to the committee of the whole.

Also, a petition of citizens of Suffolk county, in favor of the constitutional amendment prohibiting the sale of intoxicating liquors, which was laid on the table.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal an act entitled 'An act passed July 21, 1853, entitled 'An act to amend an act to provide for the incorporation of companies to construct plankroads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855,' and also said act of July 21, 1853," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to abandon a part of the Albany and Greene turnpike road company," reported that they have made some amendments thereto, and have amended the title so as to read as follows:—"An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a part of their road," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to declare the village of Belleville a separate road district," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for keeping the highways in better repair in the town of Seneca, in the county of Ontario," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the select committee relative to the Harbor Masters of New York, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the Senate 500 copies of the report of the select committee relative to the Harbor Masters of New York.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the Auditor of the Canal Department on Trade, Tolls and Tonnage, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for each Senator and officer of the Senate, fifteen copies of the annual report of the Auditor of the Canal Department on Trade, Tolls and Tonnage.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act for the relief of William Rumble and others."

Mr. Pruyn, from the committee on literature, to which was referred the petition of citizens of this State for aid to the Troy University, reported by bill entitled "An act for the relief of the Troy University," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the bill entitled "An act to provide the means to pay the damages upon awards made by the Canal Appraisers for lands taken by the State for the enlargement and completion of the canals," reported that they have made sundry amendments thereto, and have amended the title so as to read as follows: "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenues of the Sinking Fund under section 3, of article 7 of the Constitution," and as amended, recommend its passage; said bill was committed to the committee of the whole.

The President presented the annual report of the Secretary of State on criminal statistics, which was laid on the table and ordered printed.

(See Doc. No. 66.)

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to authorize the discharge of mortgages of record, in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Richards asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act relating to



the support of the poor of Rensselaer county,' passed April 13, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to promote the public peace and order on the first day of the week, commonly called Sunday," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Woodruff, in behalf of Mr. Cornell, asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in Grand street and certain other streets and avenues in the city of New York, and the running of vehicles connected therewith, and to regulate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend title 3, article 3, chapter 6, part 2 of the Revised Statutes, entitled 'Of the duties of executors and administrators in rendering an account, and in making distribution to the next of kin,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to authorize the reception of United States convicts into the State prisons, or other places of confinement of convicts in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Munroe offered the following resolution :

*Resolved*, That ten extra copies of the report of the Secretary of State on the Criminal Statistics of the State, be printed for each member, officer and reporter of the Senate, and 500 copies for the use of the Secretary of State.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act for the relief of the Ulster and Delaware plankroad company," and that said bill be recommitted to the committee on roads and bridges, and when reported retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Abbott—

*Resolved*, That the petition of John F. Packard be taken from the committee of the whole, and that the same be referred to the committee on internal affairs of towns and counties.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act making appropriations from the common school library fund to the People's College."

"An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison."

"An act to amend section 12 of chapter 151 of the Laws of 1858, in relation to school district libraries."

After some time spent therein, the President resumed the chair, and Mr. Hardin, from said committee, reported that they have made sundry amendments to the first named bill, and amended the title so as to read as follows: "An act making an appropriation to the People's College," and as amended, recommend its passage, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to superintendents of the poor."

Assembly, "An act to amend the charter of the Republic Fire Insurance company."

"An act to prevent the adulteration of milk, and to stop the traffic in milk from animals fed on slops or swill, made or procured from distillation in distilleries or breweries."

After some time spent therein, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Ramsey, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Richards moved that said bill be referred to the first committee of the whole, this evening.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Low and by unanimous consent—

*Resolved*, That the Auditor of the Canal Department be requested to report to the Senate the amounts of all bills paid for advertising by his department for the years 1860 and 1861.

The hour of fifteen minutes to two having arrived, the President announced that the Senate would take a recess until 7 o'clock P. M.

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### SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Folger offered the following resolution:

*Resolved*, That the bill entitled "An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States, and within this State on the first day of March, A. D. 1862," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Bell moved that the bill entitled "An act to amend an act entitled 'An act making appropriations for the support of

government for the fiscal year commencing on the 1st day of October, in the year 1861,' passed April 18, 1861," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bailey, from the committee on State prisons, to which was referred the bill entitled "An act to authorize the reception of United States convicts into the State prisons or other places of confinement for convicts in this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing on the 1st day of October, in the year 1861,' passed April 13, 1861."

"An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States and within this State on the first day of March, A. D. 1862."

"An act to prevent the adulteration of milk, and to stop the traffic in milk from animals fed on slops or swill, made or procured from distillation in distilleries or breweries."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Munroe, from the same committee, reported that they have substituted for the last named bill, the Assembly bill entitled "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," made sundry amendments thereto, and as amended recommend its passage, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger moved that the rules be suspended, and that the bill entitled "An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States and within this State on the first day of March, 1862," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Murphy	Smith
Bell	Folger	Low	Prayn	Tobey
Bradley	Freer	Montgomery	Richards	Woodruff
Connolly	Hardin	Munroe	Sanford	Young
Cornell	Hutchinson			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Munroe, the Senate adjourned.

## FRIDAY, MARCH 7, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Schnellendreussler.

The journal of yesterday was read and approved.

Messrs. Little, Abbott and Ramsey, presented petitions of citizens of this State, in favor of an amendment of the Constitution prohibiting the sale of intoxicating drinks, which was laid on the table.

Mr. Young presented a remonstrance of J. M. Rennock, of Pittsburgh, Pa., against the passage of an act relating to actions upon premium notes given to Mutual Insurance companies, which was laid on the table.

Mr. Little presented a remonstrance of property owners in the county of Albany, against the passage of a law increasing compensation of the treasurer of said county, which was read and committed to the committee of the whole.

Mr. Freer presented a petition of John C. Dimmick and others, in favor of a railroad in 42d street, in the city of New York, which was read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Schoharie county, in favor of the Metropolitan health bill, which was read and referred to the committee on commerce and navigation.

Mr. Abbott presented a petition of Charles G. Gere, for better title to land now occupied by him, which was read and referred to the committee on the judiciary.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act to reorganize and regulate the common schools and the board of education in the city of Brooklyn,' passed April 4, 1850."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Sanford, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sanford from the committee on literature, to which was referred the bill entitled "An act to incorporate a permanent library association for Masonic and kindred works, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act for the relief of the Savings banks in respect to lands sold for taxes," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Little, from the committee on insurance companies, to which was

referred the bill entitled "An act to amend the Schenectady Insurance company," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Samuel S. Ellsworth, for an amendment to the act passed for his relief, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 3d, article 8d, chapter 6th, part 2d of the Revised Statutes, entitled 'Of the duties of executors and administrators in rendering an account and in making distribution to the next of kin,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to promote the public peace and order on the first day of the week, commonly called Sunday," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 505 of the Laws of 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the usury laws of this State," reported adversely thereto.

Mr. Truman moved to disagree with the report of the committee, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abbott, from the committee on poor laws, to which was referred the bill entitled "An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Smith, from the committee on militia and public defence, to which was referred the bill entitled "An act to provide for the payment of certain moneys expended in equipping the twentieth regiment of New York State militia," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on State prisons, to which was referred the bill entitled "An act authorizing the selection of a site for another State prison," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to plank and turnpike roads," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the petition of William H. Thomas, one of the commissioners of the Black River State road, for authority to re-assess certain lands, reported by bill entitled "An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was re-

ferred the bill entitled "An act to authorize the formation of Hackney Coach and Cab companies in the city of New York, and to regulate the same," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to alter the map of the late village of Williamsburgh, now part of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the laying of railroad tracks in certain streets and avenues of the city of Rochester," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany, to open a street along the south bounds of said city between Delaware turnpike road and the river, to be located wholly or partly on either side of said city line, and to assess and collect the damages and expenses for laying out, opening, grading, draining and repairing said street," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river, at Clarissa street, in said city," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to incorporate the Young Men's Association of the village of Geneva," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association, in the city of New York,' passed April 10, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act in relation to the Columbia Agricultural and Horticultural Association, in the county of Columbia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to provide for the construction of railroads in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Truman asked and obtained leave to introduce a bill entitled "An act to incorporate the fire department of the village of Owego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Farrar asked and obtained leave to introduce a bill entitled "An act for the repair of the State Arsenal at Brooklyn, the construction of an arsenal at Rochester, and a magazine at Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

The Assembly bill entitled "An act to amend the charter of the Republic Fire Insurance company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Prayn	Smith
Angel	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Montgomery	Richards	Willard
Bell	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of Sing Sing prison."

"An act in relation to superintendents of the poor."

"An act making an appropriation to the People's College."

"An act to provide for the more speedy payment of the volunteers from this State mustered into the service of the United States, and within this State on the first day of March, 1862."

"An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk."

"An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing on the first day of October, in the year 1861,' passed April 13, 1861."

The bill entitled "An act to enable the people of this State to acquire certain lands situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Hutchinson	Murphy	Smith
Angel	Folger	Little	Prayn	Tobey
Bell	Freer	Low	Ramsey	Willard
Connolly	Ganson	Montgomery	Richards	Woodruff
Cook	Hardin	Munroe	Sanford	Young

25

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act making an appropriation to the People's College," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Ramsey	Tobey
Angel	Folger	Low	Richards	Truman
Bailey	Freer	Montgomery	Robertson	Willard
Bell	Ganson	Munroe	Sanford	Woodruff
Connolly	Hardin	Murphy	Smith	Young
Cook	Hutchinson	Pruyn		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act in relation to superintendents of the poor," having been announced—

Mr. Tobey moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing on the 1st day of October, in the year 1861,' passed April 18, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hutchinson	Ramsey	Truman
Angel	Folger	Little	Robertson	Willard
Bell	Freer	Montgomery	Sanford	Woodruff
Connolly	Ganson	Munroe	Smith	Young
Cook	Hardin	Pruyn	Tobey	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," having been announced—

Mr. Truman moved to recommit said bill to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Montgomery	Richards	Tobey
Angel	Cornell	Munroe	Robertson	Willard
Bailey	Farrar	Murphy	Sanford	Woodruff
Bell	Folger	Pruyn	Smith	Young
Connolly	Hardin	Ramsey		

25

FOR THE NEGATIVE.

Freer	Hutchinson	Little	Truman
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Farrar moved to reconsider the vote taken this morning, rejecting the bill entitled "An act for the relief of savings banks, in respect to lands sold for taxes," and that the same be referred to the committee on banks.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Munroe—

*Resolved*, That the excise commissioners of the county of New York, be directed to report to this Senate under oath, within twenty days, the number of licenses issued during the past year, and the amount of money received therefor; also the number of suits commenced for alleged violation of the license law, how many are still in litigation, how many have been settled or discontinued, and what sums of money have been paid to the counsel or members of said board for services, or in the settlement or withdrawal of suits against the defendants thereto.

Mr. Truman moved that the Assembly bill entitled "An act for the relief of William Monteth," be printed, with the amendments thereto made by the Senate committee on claims.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Connolly offered the following resolution:

*Resolved*, That 500 copies of the report of the Secretary of State, upon the Statistics of the Poor, be printed for the use of the Secretary, and 500 for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Murphy moved that the bill entitled "An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act for the relief of Ebenezer Murdock," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks."

"An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces."

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose."

After some time spent therein, the President resumed the chair, and Mr. Sanford, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Sanford, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## SATURDAY, MARCH 8, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Seelye.

The journal of yesterday was read and approved.

Messrs. Ganson and Folger presented remonstrances against passage of the act relative to actions upon premium notes given to Mutual Insurance companies, which were read and committed to the committee of the whole.

Mr. Connolly presented two petitions of citizens of Cortland county, on same subject, which were read and committed to the committee of the whole.

Mr. Folger presented a petition of Ann G. McGregor, for an act to authorize the Court of Appeals to place an action in which she is interested among the preferred causes in that court, which was read and referred to the committee on the judiciary.

Mr. Low presented a petition of citizens and tax-payers of the city of New York, in favor of the passage of the Metropolitan Health bill, which was read and referred to the committee on commerce and navigation.

Mr. Abbott presented a petition of over 100 citizens of the county of Cayuga, for an amendment to the Constitution prohibiting the sale of intoxicating drinks, which was laid on the table.

Also, a petition of trustees of the Congregational church in the village of Moravia, for an act authorizing them to convey title to a burial ground to the trustees of said village, which was read and referred to the committee on charitable and religious societies.

Mr. Bell presented a petition of Clark Rice, for a law in relation to assessors' oaths, requiring them to swear from actual knowledge, as to the valuation of their own property, which was read and referred to the committee on the judiciary.

Also, two petitions of citizens of Lewis and Jefferson counties, asking that the State bridge may be located at Lyons Falls, which were read and referred to the committee on canals.

Mr. Willard presented three petitions of inhabitants of Fulton county, for repeal of part of chapter 249 of the Laws of 1858, relating to non-resident highway tax, which was read and referred to the committee on roads and bridges.

Mr. Hutchinson presented a petition of citizens of Orleans county, for a law to enable the counties in this State to aid the families of volunteers, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented a petition of sundry citizens of the city of Albany, asking for an appropriation in aid of St. Vincent's Orphan Asylum, which was read and referred to the committee on finance.

Also, a petition of citizens of Albany, for an amendment of the Constitution prohibiting the sale of intoxicating drinks, which was laid on the table.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Erie County Savings Bank,' passed April 10, 1854," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Charles G. Gere, for the release of the State's right to lands and real estate, reported by bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal, at Evans street, in the village of Geneva," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to improve the Central park, in the city of New York," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Tompkinsville Fire Police company of the village of Tompkinsville, town of Castle-ton, Richmond county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Secretary of State, in relation to Statistics of the Poor, reported in favor of the adoption of the following resolution :

*Resolved*, That 500 copies of the report of the Secretary of State, upon the Statistics of the Poor, be printed for the use of the Secretary, and 500 for the use of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Secretary of State relating to criminal statistics, reported in favor of the adoption of the following resolution :

*Resolved*, That ten extra copies of the report of the Secretary of State on the Criminal Statistics of the State, be printed for each member, officer and reporter of the Senate, and 500 copies for the use of the Secretary of State.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces."

"An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks."

The Assembly returned the bill entitled "An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States, and within this State on the 1st day of March, 1862," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out section 3, engrossed bill, and insert the following in lieu thereof :

" § 3. But no money shall be borrowed or paid out by virtue of the provisions of this act, unless the Comptroller shall first receive from the Secretary of the Treasury of the United States, satisfactory assurances to the effect that the moneys advanced under the provisions of this act shall be applied as herein contemplated, and that such moneys shall be repaid to this State in not more than ninety days from the date of the advance thereof, or shall be credited to this State on account of the direct tax which it has assumed, pursuant to the act of Congress of August 5, 1861."

Mr. Folger moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Montgomery	Sanford
Angel	Cornell	Hardin	Munroe	Tobey
Bailey	Farrar	Hutchinson	Pruyn	Traman
Bell	Folger	Little	Ramsey	Willard
Bradley	Freer	Low	Robertson	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to extend the time for the collection of taxes in certain towns in the county of Westchester," with a message that they had concurred in the passage of the same with the following amendments :

Section 1, after the word "Westchester," third line, insert the words "and the town of Walkkill, in the county of Orange."

Amend the title by adding thereto the words "and the town of Walkkill, in the county of Orange."

Mr. Robertson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Munroe	Sanford
Bailey	Folger	Little	Pruyn	Tobey
Bell	Freer	Low	Ramsey	Truman
Bradley	Ganson	Montgomery	Robertson	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same :

"An act to incorporate the Middletown Savings Bank."

The Assembly sent for concurrence the following entitled bills :

"An act to extend the time for the collection of taxes in the town of New Scotland," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pruyn and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Pruyn	Tobey
Bailey	Farrar	Little	Ramsey	Truman
Bell	Freer	Low	Robertson	Willard
Bradley	Ganson	Montgomery	Sanford	Young
Connolly	Hardin	Munroe		

23

On motion of Mr. Pruyn and by unanimous consent, the rules were suspended and the Clerk ordered to transmit said bill to the Assembly immediately, informing that the Senate have concurred in the passage of the same, without amendment.

"An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' so far as relates to the village of Boonville, in the county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the construction and maintenance of a bridge over the Genesee Valley Canal, at Atkinson street, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize the city of Troy to raise money by tax and to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the city of Poughkeepsie to borrow money to pay the debt incurred for the relief of the families of soldiers, to pay the floating debt of said city, and for other specified purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for schools in the almshouses in the several counties in the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

"An act to amend the charter of the Ravenswood, Hallett's Cove and Williamsburgh Turnpike and Bridge company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to revise the charter of the village of Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act in relation to Vassar Female College," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to legalize and confirm an appropriation of ten thousand dollars made by the common council of the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Munroe and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Munroe	Tobey
Bailey	Farrar	Hutchinson	Pruyn	Truman

Bell  
Bradley  
Connolly

Folger  
Freer  
Ganson

Little  
Montgomery

Ramsey  
Sanford

Willard  
Young

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Hardin gave notice that he would, at an early day, move to suspend rules 28 and 33, for the purpose of allowing him to offer a resolution for a committee of eight, to whom shall be referred certain bills on the general orders.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to establish a law library in the eighth judicial district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to alter the map or plan of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

A message from his Excellency the Governor, was received and read, in the words following, to wit:

ALBANY, *March 8, 1862.*

*To the Senate:* I approved the bills bearing the following titles, at the dates respectively named:

- February 1. "An act to authorize the board of supervisors of the county of Kings, to provide for the relief of the families of volunteers."
2. "An act to legalize certain ordinances of the corporation of the city of New York."
4. "An act for the relief of certain of the town collectors of taxes in the county of Allegany."
7. "An act to secure the better application of funds to relieve the poor in the town of Little Falls, Herkimer county."
13. "An act to authorize the board of supervisors of the county of Ulster, to defray certain expenses of board, transportation, and so forth, of the twentieth regiment of New York militia."
15. "An act to amend the act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."
15. "An act to authorize the Supervisors of Tompkins county, to reimburse certain expenses to Frederick H. Miller, of Lansing."
18. "An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing 1st day of October, in the year 1861,' passed April 13, 1861."
19. "An act to facilitate the construction of a portion of the Erie canal enlargement."
19. "An act to empower the Court of General Sessions of the Peace, in and for the city and county of New York, to extend its terms, and to authorize its adjournments."
19. "An act to consolidate the two election districts in the town of Danby, and erect one election district therein."

- February 20. "An act to amend chapter 313 of the Laws of 1861, entitled 'An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain lands within this State, to be occupied as sites of light houses, keepers' dwellings, and fortifications, and their appurtenances,' passed April 18, 1861."
22. "An act to authorize the trustees of the village of Yonkers to raise money by tax."
22. "An act to authorize the common council of the city of Buffalo to borrow money."
28. "An act to amend the charter of the village of Saratoga Springs."
28. "An act to authorize the commissioners of highways to construct a bridge in the town of Olive, county of Ulster, across the Esopus creek, and to borrow money for that purpose."
28. "An act making appropriations for the canal debt and the maintenance of the canals, for the fiscal year commencing on the first day of October, 1862."
28. "An act to revise the charter of the city of Utica."
- March 1. "An act to enable the town of Galen, to raise money to complete and furnish the town house and lock-up erected in the village of Clyde, in said town."
1. "An act to authorize the commissioners of highways of the town of Fishkill, in the county of Dutchess, and the towns of Rosendale and Marlboro, in the county of Ulster, to appoint overseers of highways in said towns,"
6. "An act providing for the distribution of soldiers' allotments."
7. "An act to amend an act entitled 'An act to reorganize and regulate the common schools and the board of education in the city of Brooklyn,' passed April 4, 1850."
7. "An act to amend an act entitled 'An act to incorporate the White Plains Fire department,' passed April 10, 1857."
7. "An act to appropriate the proceeds of the State tax for the support of common schools."

E. D. MORGAN.

A further message from his Excellency the Governor, was received and read, in the words following, to wit :

ALBANY, March 8, 1862.

*To the Senate:* In compliance with the request contained therein, I herewith transmit a copy of the concurrent resolutions of the Legislature of the State of Maine, relating to duties on wool.

E. D. MORGAN.

STATE OF MAINE.—Resolve relating to duties on wool :

*Whereas,* The ordinary resources of the General Government having become greatly diminished in consequence of the rebellion, compelling a resort to heavy duties upon all articles of foreign production used and consumed by our people ; and

*Whereas,* Woolen fabrics and articles of necessity consumed by those engaged in agriculture have been heavily burdened under the Morrill and other tariffs, and a further increase of duties being contemplated by the present Congress, and a tariff upon foreign wool which comes in competition with our own production having been almost wholly neglected or forgotten ; therefore,

*Resolved*, That our Senators and Representatives be instructed to urge upon Congress the just claims of our farmers to an equal protection with other branches of the industry of the country, by adjusting the tariff in such a manner that as high a rate of protection shall be afforded to wool, and agricultural products generally, as other products and pursuits may receive under the present or any future tariff.

*Resolved*, That the Governor be requested to forward a copy of these resolutions to each of our Members of Congress, and to the Governors of the several States, with a request that they be recommended by the several Executives to the Legislature of their respective States.

In the House of Representatives, February 28, 1862.

Read and passed.

G. P. SEWALL, *Speaker pro tem*.

In Senate, February 28, 1862. Read and passed.

J. H. GOODENOW, *President*.

March 1st, 1862. Approved.

ISRAEL WASHBURN, JR.

STATE OF MAINE—OFFICE OF SECRETARY OF STATE, }  
AUGUSTA, March 3, 1863. }

I hereby certify that the foregoing is a true copy of the original as deposited in this office.

JOSEPH B. HALL, *Secretary of State*.

The bill entitled "An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hardin	Munroe	Tobey
Angel	Folger	Hutchinson	Ramsey	Truman
Bailey	Freer	Little	Robertson	Willard
Bell	Ganson	Montgomery	Sanford	Young
Cornell				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill :

"An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States and within this State on the first day of March, 1862."

*Ordered*, That the Clerk deliver said bill to the Governor.

The bill entitled "An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Montgomery	Sanford
Angel	Cornell	Hardin	Pruya	Tobey
Bailey	Farrar	Hutchinson	Ramsey	Willard
Bell	Folger	Little	Robertson	Young
Bradley	Freer			

22

FOR THE NEGATIVE.

Munroe Truman

2



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States and within this State on the first day of March, 1862."

Mr. Angel, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to extend the time for the collection of taxes in certain towns in the county of Westchester, and the town of Wallkill, in the county of Orange."

Mr. Little moved to take from the table the following resolution :

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill No. 13, and Senate bill No. 111, entitled respectively :

"An act in relation to actions upon premium notes given to Mutual Insurance companies."

"An act in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies."

And that the same be referred to the committee on the judiciary, and that when reported they retain their place upon the general orders.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

A division of the question having been called for—

The President put the question whether the Senate would agree to so much as relates to the Assembly bill No. 13, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Folger	Hutchinson	Robertson	Willard	
Bradley	Ganson	Pruyn	Tobey	Young	
Cornell	Hardin	Ramsey			13

FOR THE NEGATIVE.

Abbott	Connolly	Farrar	Little	Montgomery	
Angel	Cook	Freer	Low	Truman	
Ball					11

The President then put the question whether the Senate would agree to so much as relates to Senate bill No. 111, and it was decided in the affirmative.

Mr. Bradley offered the following resolution :

*Resolved*, That when the Senate adjourn this day, it adjourns to meet on Monday evening next at 7 o'clock.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Cornell	Ganson	Pruyn	Tobey	
Bradley	Farrar	Hardin	Ramsey	Truman	
Connolly	Folger	Hutchinson	Robertson	Willard	
Cook	Freer	Low			18

FOR THE NEGATIVE.

Abbott	Bell	Little	Montgomery	Young	
Angel					6

Mr. Cook offered the following preamble and resolution :

*Whereas*, His Excellency the Governor, in his annual message, has informed the Legislature that "the actual receipts of the State prisons are fully a quarter of a million of dollars less than the expenses of the prisons,"

and that "finding in the latter part of the summer that the duties connected with the raising and equipping of volunteers for the service of the General Government, were such as would prevent me from making my annual visit to the prisons, I deemed it advisable to request the Superintendent of the Albany County Penitentiary, whose long, intimate and successful connection with penal institutions peculiarly qualified him for the duty, to visit the State prisons, to examine into their police and fiscal management, and to report the result of his observations to me in writing," which he had done, and that he desired him "to make suitable enquiries in regard to the alleged severity of punishments inflicted at Sing Sing; and respecting the administration of the affairs of the Lunatic Asylum connected with the prison at Auburn; and also requested him to make such enquiries as would enable him to determine if the recent murder committed at Clinton prison, was the result of any insufficiency in the rules or discipline of the prison;" therefore,

*Resolved*, That his Excellency the Governor be requested to transmit to the Senate, copies of his instructions and the reports of the said agent at his earliest convenience, if not incompatible with the public interest.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, pending at the hour of adjournment yesterday.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until Monday evening at 7 o'clock.

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## MONDAY, MARCH 10, 1862.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of Saturday was read and approved.

Mr. Pruyn presented a memorial of the Albany Institute, for measures to collect and preserve the statistics of the State of New York in its efforts to suppress the present rebellion against the government of the United States, which was read and referred to the committee on literature.

Mr. Hardin presented a petition of citizens of the town of Manheim, Herkimer county, for relief to families of volunteers, which was read and referred to the committee on the judiciary.

Mr. Farrar presented a petition of Wm. Foth and others, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to provide for schools in the alms houses and county poor houses in the several counties in the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Pruyn, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to Vassar Female College," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the petition of inhabitants of the town of Bethlehem, for the repeal of chapter 129 of the Laws of 1861, relative to a certain road in said town, reported by bill entitled "An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to extend the streets running to the Hudson or East river, in the city of New York, to the bulkhead line established by the act entitled 'An act to establish bulkhead and pier lines for the port of New York,' passed April 17, 1857," and to confirm and make certain grants of land now or formerly under water within said line, and to authorize the laying out of permanent exterior streets along and within said line," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend chapter 345 of the Laws of 1860, entitled 'An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings,' passed April 13, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to provide for the regulation and inspection of buildings, the more effectual prevention of fire, and the better preservation of life and property in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Bailey asked and obtained leave to introduce a bill entitled "An act in relation to documentary evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hardin moved to suspend so much of the 28th and 33d rules as prohibit bills being ordered to a third reading without being acted on in committee of the whole, in order to enable him to offer a resolution for a committee of eight.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Ramsey moved to reconsider the vote taken on Friday last agreeing to the report of the committee on insurance companies, adverse to the bill entitled "An act to amend the charter of the Schenectady Insurance company."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey moved to recommit said bill to the committee on insurance companies.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and pro-

ceeded to the consideration of the general orders, pending at the hour of adjournment on Saturday.

"An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849."

"An act to provide for the taxation of dogs, and for the collection thereof, and to create a fund to pay for damages inflicted upon sheep by dogs."

"An act to amend an act entitled 'An act in relation to the punishment of crimes in certain cases,' passed April 11, 1856."

After some time spent therein, the President resumed the chair, and Mr. Abbott, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Pruyn renewed the motion made in committee of the whole, to amend by inserting the following as an additional section :

"Sec. 4. This bill shall not apply to or in any way affect any bank or banking association, or the stockholders thereof, against which any proceedings shall have been instituted under the act hereby amended, and for which a receiver shall have been heretofore appointed."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Hardin	Ramsey	Sanford	Willard	
Bell	Pruyn	Richards	Truman		9

FOR THE NEGATIVE.

Abbott	Farrar	Ganson	Low	Smith	
Angel	Folger	Hutchinson	Montgomery	Tobey	
Cook	Freer	Little	Murphy	Young	
Cornell					16

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Abbott, from the same committee, reported that they have made sundry amendments to the second named bill, and amended the title so as to read as follows:—"An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," and as amended, recommend its passage, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Abbott, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Abbott moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act in relation to the Union Turnpike company."

"An act to close a part of Partition street, in the 12th ward of the city of Brooklyn."

"An act to repeal the first and second sections of an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860."

After some time spent therein, the President resumed the chair, and Mr. Folger, from said committee, reported in favor of the passage of the two

first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Folger, from the same committee, reported that they have made sundry amendments to the last named bill, and amended the title by striking out the words "repeal the first and second sections of," and inserting the word "amend" in lieu thereof, and as amended, recommend its passage, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Bailey, the Senate adjourned.

## TUESDAY, MARCH 11, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Sprague.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the more speedy payment of the volunteers from this State mustered into the service of the United States, and within this State on the first day of April 1862,' passed March 8, 1862," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Pruyn	Tobey
Angel	Cornell	Hardin	Ramsey	Truman
Bailey	Farrar	Little	Richards	Willard
Bell	Folger	Montgomery	Robertson	Young
Connolly	Freer	Murphy	Smith	

24

On motion of Mr. Folger and by unanimous consent, the rules were suspended, and said bill ordered transmitted to the Assembly immediately, requesting their concurrence therein.

Mr. Truman presented a remonstrance of citizens and tax payers of the village of Binghamton, against the proposed amendments of their charter, which was read and referred to the committee on cities and villages.

Mr. Freer presented two petitions of inhabitants on the line of the Ulster and Delaware plankroad, asking for relief to said road, which were read and referred to the committee on roads and bridges.

Mr. Angel presented a remonstrance of Ends and Nelson, of St. Louis, Mo., against the act in relation to actions upon notes given to Mutual Insurance companies, which was read and referred to the committee on the judiciary.

Mr. Smith presented a petition and documents of C. J. Jack for relief, which were read and referred to the committee on finance.

Mr. Murphy presented four remonstrances of sundry citizens and tax payers of the city of Brooklyn, against the repeal of the act providing for Prospect park, which were read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Schenectady, for repeal of chapter 112 of Laws of 1858, in relation to Schenectady Insurance charter, which was read and referred to the committee on insurance companies.

Also, a petition of Miss Emma Hardinge and forty-nine others, to provide an Industrial Home for cast-out women, which was read and referred to the committee on charitable and religious societies.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the petition of Martin Kalbfleisch, mayor of the city of Brooklyn, and others, for the repeal of the act to widen 4th avenue, in the city of Brooklyn, reported by bill entitled "An act to repeal an act entitled 'An act to provide for the widening of 4th avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue, passed April 12, 1860,' with the act amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to provide for taxing dogs, and for the collection of such tax; and to create a fund to pay for injuries upon sheep occasioned by dogs."

"An act to amend an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860."

"An act in relation to the Union Turnpike company."

"An act to close part of Partition street, in the 12th ward of the city of Brooklyn."

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as provided by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849."

By unanimous consent, Mr. Hardin asked and obtained leave to introduce a bill entitled "An act to authorize the town of Manheim to raise money to reimburse expenditures for volunteers in the service of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The third reading of the bill entitled "An act to provide for taxing dogs and the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," having been announced—

Mr. Hardin moved to recommit said bill to the committee on the judiciary, with instructions to amend by inserting in line 5, section 3, after word "dogs," the word "tan terriers."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Folger moved to recommit said bill, with instructions to amend by striking out the words "one dollar" in line 7, section 1, and inserting in lieu thereof the words "fifty cents;" also, in line 9, section 1, strike out "ten" and insert "five;" also, in line 11, section 1, strike out "two" and insert "one."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Pruyn	Smith
Bailey	Cornell	Little	Ramsey	Tobey
Bradley	Farrar	Montgomery	Richards	Willard
Connolly	Freer	Murphy		

18

FOR THE NEGATIVE.

Abbott	Hardin	Hutchinson	Truman	Young
Folger				

6

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the Union Turnpike company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Pruyn	Tobey
Bailey	Farrar	Little	Richards	Truman
Connolly	Freer	Montgomery	Robertson	Willard
Cook	Ganson	Murphy	Smith	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to close part of Partition street, in the twelfth ward of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Murphy	Tobey
Angel	Cornell	Hardin	Pruyn	Truman
Bailey	Farrar	Hutchinson	Richards	Willard
Bradley	Folger	Little	Robertson	Young
Connolly	Freer	Montgomery	Smith	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Murphy	Robertson
Angel	Cornell	Hardin	Prayn	Smith
Bailey	Farrar	Hutchinson	Ramsey	Willard
Bradley	Folger	Little	Richards	Young
Connolly	Freer	Montgomery		23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Low	Smith
Angel	Cook	Ganson	Montgomery	Tobey
Bailey	Farrar	Hutchinson	Murphy	Young
Bradley	Folger	Little	Robertson	19

FOR THE NEGATIVE.

Prayn	Ramsey	Richards	Truman	Willard	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows :

"An act to amend an act entitled 'An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States, and within this State on the 1st day of March, 1862,' passed March 10, 1862."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

"An act to confer additional powers upon the Metropolitan Police relating to the inspection of steam boilers."

"An act in relation to the acknowledgment or proof of the execution of instruments of writing by persons out of this State."

After some time spent therein, the President resumed the chair, and Mr. Cook, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Cook, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Ganson moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," and that the same be recommitted to the committee on cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Connolly offered the following resolution :

*Resolved*, That Senate bill No. 147, entitled "An act to repeal an act in



relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1859," be made the special order for Thursday next, at 7 o'clock P. M.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Ramsey, the Senate took a recess until 7 o'clock this evening.

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### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts.'"

"An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and to amend several acts amending the same."

After some time spent therein, the President resumed the chair, and Mr. Hutchinson, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Hutchinson, from the same committee, reported in favor of the passage of the second named bill, with amendments.

On motion of Mr. Murphy and by unanimous consent, said bill was amended by striking therefrom the word "recreative" as inserted in committee of the whole.

The President put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Hutchinson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Ramsey, the Senate adjourned.

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### WEDNESDAY, MARCH 12, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Spaulding.

The journal of yesterday was read and approved.

Mr. Hutchinson presented a petition of freeholders of Niagara Falls, for an amendment of their village charter, which was read and committed to the committee of the whole.

Mr. Folger presented a remonstrance of Downs & Co., of Seneca Falls, against the act in relation to actions upon notes given to Mutual Insurance companies, which was read and referred to the committee on the judiciary.

Mr. Murphy presented a petition of citizens of Brooklyn, in favor of the proposed park, and remonstrating against the repeal of the act establishing the same, which was read and referred to the committee on cities and villages.

Mr. Little presented a petition of citizens of Warren county, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Farrar presented a petition of sundry inhabitants of Perinton, Monroe county, to amend chapter 286 of Laws of 1861, extending its provisions to the town of Perinton, which was read and referred to the committee on the judiciary.

Mr. Low presented a petition for an act to amend the charter of the village of Middletown, which was read and referred to the committee on cities and villages.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany to grade, fill, level and pave, repair and drain that portion of Clinton avenue which lies adjoining the north bounds of the city of Albany, in the town of Watervliet, as far west as the intersection of said Avenue and the Schenectady turnpike road," reported adversely thereto.

Mr. Pruyn moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Farrar, from the committee on cities and villages, to which was referred the petition of the mayor, aldermen and commonalty of the city of New York, to have the fees for auction duties, in said city, revert back to the city treasury, reported adversely thereto, which report was agreed to and the prayer of the petitioners denied.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Troy to raise money by tax, and to borrow money," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act in relation to the claim of Squire and John M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river, at the village of Seneca Falls," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Francois M. McFarlin and others," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 345 of the Laws of 1860, entitled 'An act in relation to the rights and liabilities of owners and lessors, and of lessees and occupants of buildings,' passed April 18, 1860," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bills entitled "An act to facilitate the construction of a railroad through the Northern wilderness," and the act "to facilitate the completion of the Adirondac estate and railroad," reported that they have substituted therefor a bill entitled "An act to facilitate the construction of the Adirondac

railroad," and recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the city of Poughkeepsie to borrow money to pay the debt incurred for the relief of families of soldiers, to pay the floating debt of said city, and for other specified purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to establish a law library in the 8th judicial district," reported adversely thereto.

Mr. Ganson moved to disagree to report of committee, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Said bill was rejected.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing to Paul Bresson the interest of the State of New York to certain real estate in the city of Brooklyn," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Louis Gabriel Jeanronaud and Sophie Adele Jeanrenaud," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the petition of trustees of Congregational church in Moravia, for authority to convey title to their burial ground, reported by bill entitled "An act in relation to the First Congregational Church and Society of Moravia," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to release the interest of the State in certain lands lying outside of high water mark in Kings county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the Lakes and Rivers,' passed April 15, 1854," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to confer additional powers upon the Metropolitan Police, relating to the inspection of steam boilers."

"An act in relation to the acknowledgment or proof of the execution of instruments of writing by persons out of this State."

"An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

The Assembly returned the following entitled bills :

"An act to extend the time for the collection of taxes in certain towns in the county of Westchester."

"An act to amend an act entitled 'An act to provide for the more speedy payment of the volunteers from this State mustered into the service of the United States, and within this State on the 1st day of March, 1862,' passed March 10, 1862."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Low asked and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and of the several acts amendatory thereof, so far as relates to the village of Middletown, in the county of Orange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act relating to the charter of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on expiring laws.

By unanimous consent, Mr. Munroe asked and obtained leave to introduce a bill entitled "An act to amend section 53, of chapter 9, of the 5th title of the first part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act in relation to the acknowledgment or proof of the execution of instruments of writing by persons out of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Pruyn	Smith
Bailey	Folger	Low	Ramsey	Tobey
Bell	Freer	Montgomery	Richards	Truman
Bradley	Ganson	Munroe	Robertson	Woodruff
Cook	Hardin	Murphy	Sanford	Young
Cornell				

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Tobey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to authorize the city of Poughkeepsie to borrow money to pay the debt incurred for the relief of the families of soldiers, to pay the floating debt of said city, and for other specified purposes," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Tobey
Angel	Farrar	Low	Ramsey	Truman
Bailey	Folger	Montgomery	Richards	Willard
Bell	Freer	Munroe	Sanford	Woodruff
Bradley	Hardin	Murphy	Smith	Young
Cook	Hutchinson			

27

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and the Clerk ordered to transmit said bill to the Assembly immediately, informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to confer additional powers upon the Metropolitan police, relating to the inspection of steam boilers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Pruyn	Smith
Angel	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Montgomery	Robertson	Willard
Bell	Freer	Munroe	Sanford	Young
Connolly	Hardin	Murphy		

23

## FOR THE NEGATIVE.

Ganson 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford
Angel	Cornell	Hutchinson	Pruyn	Tobey
Bailey	Farrar	Little	Ramsey	Truman
Bell	Folger	Montgomery	Richards	Willard
Bradley	Freer	Munroe	Robertson	Young
Connolly	Ganson			

27

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend the several acts incorporating the village of Fulton, in the county of Oswego."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Truman—

*Resolved*, That the present Health officer, A. N. Gunn, make out, verify and return to the Senate by the 25th instant, a statement in detail setting forth the amount of fees and perquisites received by him as such officer for the year 1861, and the amount of expenses, for the same period, of his department.

On motion of Mr. Truman—

*Resolved*, That a respectful message be sent to the Assembly, requesting that body to transmit to the Senate the papers on its files relating to the

compensation of the treasurer of the county of Albany, and that when received they be referred to the committee of the whole having the bill in relation to that subject in charge.

By unanimous consent, Mr. Bradley moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Murphy	Smith
Angel	Cook	Hardin	Pruyn	Tobey
Bailey	Cornell	Hutchinson	Ramsey	Willard
Bell	Folger	Little	Richards	Woodruff
Bradley	Freer	Munroe	Sanford	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Tobey moved that the bill entitled "An act in relation to superintendents of the poor," be recommitted to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein the doors were opened and legislative business resumed.

The Senate again resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of going into executive session, being the bills entitled as follows:

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose."

"An act in relation to superintendents of the poor."

"An act for the relief of the lessees of the surplus waters of the canal at Lockport."

After some time spent therein, the President resumed the chair, and Mr. Farrar, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the same committee, reported progress on the two last named bills, and asked and obtained leave to sit again.

The President presented a communication from the Auditor of the Canal Department, in reply to a resolution of the Senate, calling for information as to amount paid for advertising by his department during the years 1860 and 1861, which was laid on the table and ordered printed.

(See Doc. No. 62.)

mous consent was also read the second time, and referred to the committee on the judiciary.

"An act authorizing the board of supervisors of the county of New York to borrow money in anticipation of the collection of the annual taxes in said county, and to issue county revenue bonds therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Connolly and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Pruyn	Smith
Angel	Freer	Montgomery	Ramsey	Truman
Bailey	Ganson	Munroe	Richards	Woodruff
Bell	Hutchinson	Murphy	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act entitled 'An act authorizing the supervisors of certain towns of Chautauqua and Cattaraugus counties, to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to authorize the village of Peekskill to borrow money and to levy taxes for the payment of the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Robertson and by unanimous consent, the rules were suspended and said bill was referred to the committee on cities and villages, to report complete.

"An act to legalize the levy and collection of a tax in the county of Tioga to defray the expenses of enrolling, organising, mustering and subsisting volunteers for military service in the United States, and for aid to their families," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Truman and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Richards	Tobey
Angel	Freer	Montgomery	Robertson	Truman

Bailey  
Connolly  
Cook

Ganson  
Hardin  
Hutchinson

Munroe  
Murphy  
Pruyn

Sanford  
Smith

Woodruff  
Young

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

"An act to amend an act entitled 'An act authorizing the Canal Commissioners to build a bridge over the Chenango canal in the city of Utica,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend the charter of the Aetna Fire Insurance company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to extend the time for the collection of taxes in the town of Queensbury, in the county of Warren."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof," with a message that they had concurred in the passage of the same, with the following amendment:

Section 4, last line, after the word "them," insert the words "to the credit of such town or towns."

Mr. Robertson moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey  
Connolly  
Cook

Farrar  
Folger  
Freer  
Hardin  
Little

Low  
Montgomery  
Munroe  
Murphy  
Pruyn

Rameey  
Richards  
Robertson  
Sanford

Smith  
Truman  
Woodruff  
Young

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Woodruff gave notice that he would, at an early day, ask leave to introduce a bill for the construction of a railroad on 26th and other streets in the city of New York.

By unanimous consent, Mr. Freer asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Schoharie Kill Bridge company, and laws relating thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Young asked and obtained leave to introduce a bill entitled "An act for the relief of Russell Martin and Theodore H.



Luckey," which was read the first time, and by unanimous consent was also read the second time.

Mr. Young moved that said bill be referred to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and to amend several acts amending the same."

"An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard."

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose."

The bill entitled "An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Pruyn	Sanford
Angel	Farrar	Low	Ramsey	Truman
Bailey	Folger	Montgomery	Richards	Woodruff
Bell	Freer	Munroe	Robertson	Yeung
Bradley	Hardin	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and to amend several acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith
Angel	Farrar	Low	Ramsey	Tobey
Bailey	Folger	Montgomery	Richards	Truman
Bradley	Freer	Munroe	Sanford	Young
Connolly	Hardin			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Murphy—

*Resolved*, That the Secretary of State be requested to communicate to the Senate, as soon as practicable, a statement of all the real estate remaining unsold which escheated to the State upon the death of John G. Leake, and the annual revenue if any derived therefrom ; and also if there be any information in his possession of any such real estate in the city of New York in the possession of the authorities of that city, or of the Leake and

Watts Orphan Asylum, and if so in what the real estate so possessed consists.

Mr. Freer offered the following resolution :

*Resolved*, That the bill entitled "An act to provide for the payment of certain moneys expended in equipping the twentieth regiment of New York State militia," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell moved to take from the table the following concurrent resolution relating to the proposed amendment of the Constitution prohibiting the sale of intoxicating liquors :

*Whereas*, At the last session of the Legislature the following amendment to the Constitution was proposed, viz : That the Constitution of this State be amended as follows :

The sale of intoxicating liquors as a beverage is hereby prohibited ; and no law shall be enacted or be in force after the adoption of this amendment to authorize such sale ; and the Legislature shall by law prescribe the necessary fines and penalties for any violation of this provision ;

*And whereas*, The said proposed amendment was then agreed to by a majority of the members elected to each of the two Houses and entered on the journals with the ayes and noes taken thereon, and referred to the Legislature to be chosen at the next general election of Senators then ensuing ;

*And whereas*, The said proposed amendment has been duly published for three months previous to making such choice, in pursuance of the provisions of the first section of the thirteenth article of the Constitution.

*Resolved*, (if the Assembly concur,) That this Legislature do agree to the proposed amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell moved that said resolutions be made the special order for Tuesday next at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Bell moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to make said resolutions the special order for Tuesday next, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Bell	Little	Ramsey	Smith	
Angel	Cook	Low	Richards	Truman	
Bailey	Farrar	Montgomery	Sanford	Young	15

FOR THE NEGATIVE.

Bradley	Folger	Munroe	Pruyn	Tobey	
Connolly	Freer	Murphy	Robertson	Woodruff	
Cornell					11

Mr. Angel moved that the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Abbott—

*Resolved*, That Senate bill No. 180, entitled "An act supplemental and amendatory to an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," be referred back to the committee on internal affairs of towns and counties.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of general orders, pending at the hour of adjournment yesterday.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to the punishment of crimes in certain cases,' passed April 11, 1856."

"An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge."

"An act to prevent supervisors from holding county offices and taking certain contracts."

After some time spent therein, the President resumed the chair, and Mr. Angel, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Angel, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

The President announced the special order, being the bill entitled as follows:

"An act to repeal an act entitled 'An act to repeal an act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1859."

Mr. Hutchinson moved to postpone the consideration of said special order, until to-morrow morning immediately after the order of business of motions and resolutions.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Willard moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to facilitate the construction of the Adirondac railroad," and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey

Farrar  
Folger  
Freer

Hutchinson  
Little  
Low

Murphy  
Prayn  
Ramsey

Sanford  
Smith  
Willard

Bradley  
Connolly  
Cook

Ganson  
Hardin

Montgomery  
Munroe

Richards  
Robertson

Woodruff  
Young

20

## FOR THE NEGATIVE.

Bell

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bill:

"An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Richards moved that the bill entitled "An act for the relief of the Troy University," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia."

"An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

"An act relating to the jail and penitentiary in the county of Kings."

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Freer moved that said bill be referred to the first committee of the whole, on Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Young, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Young, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Munroe, the Senate adjourned.

## FRIDAY, MARCH 14, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Spalding.

The journal of yesterday was read and approved.

Mr. Low presented a petition of citizens of Sullivan county, in favor of the passage of the Metropolitan health bill, which was read and referred to the committee on commerce and navigation.

Also, a petition of citizens of same county, to compensate bona fide purchasers of wild lands for improvements made thereon, which was read and committed to the committee of the whole.

Also, a petition of Lydia Sayer Hasbrouck, asking that there shall be no taxation of women without political representation, which was read and referred to the committee on the judiciary.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the poormasters of the town of Gorham, in the county of Ontario, to convey certain lands for cemetery purposes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act for the relief of Savings banks, in respect to lands sold for taxes," reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to amend chapter 427 of the Laws of 1855," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association, in the city of New York,' passed April 10, 1861," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the examination of the accounts of the Treasurer and Canal Department, and the securities of the Bank Department," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Bailey, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the charter of the Schoharie Kill Bridge company, and the laws relating thereto," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was recommended the bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to revise the charter of the village of Binghamton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the petition of F. D. Van Wagenen for relief, reported by bill entitled "An act for the relief of Frederick D. Van Wagenen," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the bill entitled "An act in relation to the Columbia Agricultural and Horticultural Association, in the county of Columbia," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message was received and read from his Excellency the Governor, in

reply to the resolution of the Senate, transmitting copies of his letters of instruction to and the reports of the Superintendent of the Albany county penitentiary, concerning his visit to the several State prisons, which was laid on the table and ordered printed.

(See Doc. No. 68.)

Mr. Willard gave notice that he would, at an early day, ask leave to introduce a bill for the appointment of a Receiver General of this State, and to transfer to his custody certain trust funds now in the hands of county treasurers.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act relating to the jail and penitentiary in the county of Kings."

"An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge."

"An act to facilitate the construction of the Adirondac railroad."

"An act to prevent supervisors from holding county offices and taking certain contracts."

The bill entitled "An act to alter the term for which criminals may be sentenced to the State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Smith
Angel	Folger	Low	Ramsey	Truman
Bailey	Freer	Montgomery	Richards	Willard
Bell	Hardin	Munroe	Robertson	Woodruff
Connolly	Hutchinson	Murphy	Sanford	Young

28

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to prevent supervisors from holding county offices and taking certain contracts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Hardin	Munroe	Richards	Tobey
Bailey	Little	Murphy	Sanford	Truman
Bell	Low	Pruyn	Smith	Willard
Ganson	Montgomery	Ramsey		

18

FOR THE NEGATIVE.

Abbott	Folger	Freer	Robertson	Young
Cook		Hutchinson	Woodruff	

9

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Woodruff offered the following resolution:

*Resolved*, That Senate bill No. 161, entitled "An act to authorize the Brooklyn and Newtown railroad to lay their rails of less weight than required by the general railroad act, and for other purposes," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson moved that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 10 o'clock, and that when the Senate adjourns to-morrow it adjourn to meet on Monday evening next at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Munroe offered the following resolution :

*Resolved*, That there be printed for the use of the Senate 200 extra copies of the Assembly bill No. 284, being "An act to amend chapter 18, of part 1st of the Revised Statutes in relation to assessments." •

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Robertson moved that the bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act for the relief of Ebenezer Murdock," be referred to the second committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Woodruff called for the consideration of the following resolutions :

*Whereas*, Lieut. General Winfield Scott after many years of service in behalf of his country has deemed it prudent in consequence of his advanced age, to retire from the active cares and duties which devolved upon him in his position as Commander-in-chief of the Army of the United States; and

*Whereas*, The record of a life so prolific in all the cardinal virtues of heroism, magnanimity, benevolence and patriotism, as so brilliantly portrayed in every act of his official duties, justifies not only the approbation of his country, but merits the adulations of every lover of free government throughout the civilized world; and

*Whereas*, The State of New York, claiming him as a citizen, fully realizes the obligations under which it is her duty to add her testimony in commendation of a life so faithfully devoted to his country; therefore,

*Resolved*, (if the Assembly concur,) That the State of New York, through her representatives in Legislature convened, most sincerely regrets the resignation of Lieut. General Winfield Scott from the chief command of the army of the United States, especially so in the midst of the unholy rebellion which now pervades a portion of our once happy and united country, and while bowing in submission to an act deemed necessary for the prolongation of a well spent life, we offer to him the heartfelt thanks of a grateful people for his untiring devotion to his country, and our earnest prayers for a speedy restoration to the blessings of health.

*Resolved*, That a committee of three be appointed to have prepared an Album, similar to the one presented to General La Fayette by the city of New York, containing a record of the principal events in the life of General Scott, together with his letter of resignation, the reply of the President, and the addresses and resolutions of numerous bodies consequent thereon; the whole to be suitably embellished and illustrated, and presented to Lieutenant General Winfield Scott, as a testimonial from the State of New York; and, be it further

*Resolved*, That the sum of      hundred dollars be and is hereby appropriated to carry out the foregoing resolutions.

Mr. Woodruff moved to amend the last of said resolutions by filling the blank with the sum of "twenty-five hundred dollars."

Mr. Tobey moved that said resolutions be referred to a select committee of three.

The President put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act for the relief of James Savage and Thomas Kane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Little moved that the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," be referred to the second committee of the whole, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Folger—

*Resolved*, That the Senate meet on Friday evening of each week, after this week, at 7 o'clock, for the consideration of local bills exclusively.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 10 o'clock.

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## SATURDAY, MARCH 15, 1862.

TEN O'CLOCK, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Stratton.

The journal of yesterday was read and approved.

Mr. Richards presented a petition of canal captains and boat owners on the line of the Champlain canal, in relation to drawing off water from the Waterford level, which was read and referred to the committee on canals.

Mr. Little presented a memorial of citizens of Warren county, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Clark presented two remonstrances against passage of bill relating to actions upon premium notes given to Mutual Insurance companies, which were read and referred to the committee on the judiciary.

Mr. Ganson presented a petition of defence committee of Buffalo, for a law ceding certain lands to the General Government for the purpose of erecting fortifications, which was read and referred to the committee on the judiciary.

Also, a petition of George Coit and others, for payment for canal damages, which was read and referred to the committee on claims.

Mr. Smith presented a petition of board of commissioners for widening and improving Bushwick avenue and other streets in the city of Brooklyn, which was read and referred to the committee on cities and villages.



Mr. Richards presented a petition of citizens of Washington county, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Young, from the committee on roads and bridges, to which was referred the petition of citizens of Ontario county, for the repeal of Geneva and Rushville plankroad charter, reported by bill entitled "An act to regulate the taking of tolls upon the Geneva and Rushville plankroad," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Young, from the committee on roads and bridges, to which was referred the petition of Joseph White, for an act imposing tolls upon the Canajoharie and Cherry Valley plankroad, reported adversely thereto, which report was agreed to and the prayer of the petitioner denied.

Mr. Little, from the committee on insurance companies, to which was recommended the bill entitled "An act to amend the charter of the Schenectady Insurance company," reported that they have made sundry amendments thereto, and have amended the title so as to read as follows:—"An act to amend the charter of the Schenectady Fire Insurance company, and to change its name," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Pruyn, from the committee on literature, reported a bill entitled "An act to amend an act entitled 'An act relating to the distribution and application of the revenues of the literature fund,' passed April 22, 1834," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Smith, from the committee on cities and villages, to which was referred the bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to actions upon premium notes given to Mutual Insurance companies," also the Senate bill entitled "An act in relation to actions now pending and hereafter to be brought by receivers of insolvent Mutual Insurance companies," reported adversely thereto.

Mr. Little moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented a communication from the Secretary of State, in reply to the resolution of the Senate, relating to property escheating to the State on the death of John G. Leake, as follows:

*To the Hon. ROBERT CAMPBELL, President of the Senate:*

In answer to the resolution of the Senate, requesting the undersigned to communicate thereto "a statement of all the estate remaining unsold, which escheated to the State, upon the death of John G. Leake, and the annual revenue, if any, derived therefrom; and also, if there be any information in his possession of any such real estate in the city of New York, in the possession of the authorities of the city, or of the Leake and Watts Orphan Asylum, and if so, in what the real estate so possessed consists:"

I respectfully report: That in January, 1850, the Commissioners of the Land Office reported to the Assembly "that all the lands which had escheated to the State by the death of John G. Leake, on or before the 22d day of January, 1838, have been sold or conveyed, with the exception of 190 acres remaining the property of the State, in the north-west corner of

lot No. 31, in the middle division of Palmer's purchase." Assembly Doc. of 1850, vol. 8.

That since January 1838, the Attorney General has not reported any other lands escheated, whereof John G. Leake died seized.

On the 14th day of June, 1861, the above named 190 acres were sold by the State to Solomon S. Waterman, for \$47.50, and the same paid by him,

There is no information in the possession of this Department that any unsold real estate which escheated to the State, upon the death of John G. Leake is "in the possession of the authorities of the city of New York, or of the Leake and Watts Orphan Asylum."

HORATIO BALLARD, *Secretary of State.*

Said communication was referred to the committee on finance.

By unanimous consent, Mr. Connolly in behalf of Mr. Woodruff, asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a railroad in Twenty-sixth and certain other streets or avenues in the city of New York, and the running of vehicles connected therewith, and to regulate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to provide for the appraisement and payment of canal damages sustained by George Palmer, by means of raising canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to provide for the appraisement and payment of canal damages sustained by Hiram E. Howard, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to provide for the appraisement and payment of canal damages sustained by Jane C. Wilson, Frances H. Roaseel, Chas. Townsend, Charles Townsend, second, Louis Townsend, George Townaend and George Coit, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent, Mr. Ramsey moved that the bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," be recommitted to the committee on cities and villages, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved that the bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Tobey moved that the bill entitled "An act for the withdrawal of the circulating bills of incorporated banks whose charters have expired or may hereafter expire, and to secure the redemption thereof," be referred to the first committee of the whole, on Tuesday next.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows :

"An act to repeal an act entitled 'An act to repeal an act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1859."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

"An act for the relief of the Troy University."

After some time spent therein, the President resumed the chair, and Mr. Ganson, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Ganson, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to authorize the Brooklyn city and Newtown railroad company to lay their track with rails of less weight than required by the general railroad act, and for other purposes."

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860."

"An act for the relief of Ebenezer Murdock."

After some time spent therein, the President resumed the chair, and Mr. Smith, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Smith, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Robertson moved that said bill be referred to the first committee of the whole, on Monday evening.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Smith, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Truman asked and obtained leave to introduce a bill entitled "An act for the relief of the Susquehanna Seminary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to facilitate the closing up of insolvent Mutual Insurance companies," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Folger moved that the committee on the judiciary be discharged from the further consideration of the bill entitled "An act to amend an act in relation to courts of special sessions and police courts, passed April 14, 1859."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the petition of the Niagara Falls International Bridge company, for an amendment of their charter, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

(See Doc. No. 63.)

On motion of Mr. Ramsey, the Senate adjourned.

MONDAY, MARCH 17, 1862.

SEVEN O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Trafton.

The journal of Saturday was read and approved.

Mr. Robertson presented a petition of Thomas Theall and others, of the town of Rye, in the county of Westchester, to erect a bridge from his land on Manursing Island, over the gut to main land, which was read and referred to the committee on roads and bridges.

Mr. Clark presented a petition of citizens of Cortland county, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to incorporate the fire department of the village of Owego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

A message from the Assembly was received and read, in the words following, to wit:

"Resolved, That a respectful message be sent to the Honorable the Senate, requesting it to transmit to this House the papers on file relative to the claim of S. P. Cunningham, for damages to his farm and nursery in the town of Catharine, Schuyler county, caused by the breaking of the embankment of the canal, and that when received they be referred to the committee on claims."

By reference to the Senate journal of 1860, it appears that said papers were transmitted to the Assembly, and have not since been returned.

The Assembly sent for concurrence the following entitled bills:

"An act to authorize the Port Henry Iron Ore company of Lake Champlain to borrow money by mortgage on their real estate in Essex county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the charter of the Knickerbocker Life Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act for the relief of the Sable Iron company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the village of Kingston,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to regulate the use of public highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

"An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Robertson asked and obtained leave to introduce a bill entitled "An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land, in the town of Rye, in Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act providing for the appointment of an additional number of notaries public in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Connolly and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Praya	Tobay
Angel	Cook	Montgomery	Robertson	Truman
Bailey	Ganson	Munroe	Sanford	Young
Clark	Hardin	Murphy	Smith	

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock."

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860."

After some time spent therein, the President resumed the chair, and Mr. Murphy, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Murphy, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that said bill be referred to the first committee of the whole, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act for the relief of the lessees of the surplus waters of the canal at Lockport."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts.'"

Assembly, "An act to enable the electors of the town of Johnstown to vote by districts for town officers."

After some time spent therein, the President resumed the chair, and Mr. Connolly, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Connolly, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Ramsey, the Senate adjourned.

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## TUESDAY, MARCH 18, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Stratton.

The journal of yesterday was read and approved.

Mr. Richards presented a petition of inhabitants of Rensselaer county, to amend the Code so that foreign corporations can sue and be sued in justices' courts, which was read and referred to the committee on the judiciary.

Mr. Pruyn, in behalf of Mr. Farrar, presented a remonstrance of sundry citizens of Rochester, against the act authorizing street railroads in said city, which was read and committed to the committee of the whole.

Mr. Low presented a petition of citizens of Sullivan county, in favor of the Metropolitan health bill, which was read and referred to the committee on commerce and navigation.

Mr. Bell presented a petition of L. Ingalls and twenty-five other citizens of Watertown, for the amendment of the Constitution prohibiting the sale of intoxicating drinks, which was laid on the table.

Mr. Low presented a petition of Rose Hill Savings bank, to change the

name of said institution, which was read and referred to the committee on banks.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Aetna Fire Insurance company of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the supervisors of certain towns of Chautauqua and Cattaraugus counties, to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850,'" reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act for the relief of the Troy University."

"An act for the relief of Ebenezer Murdock."

Mr. Sanford from the committee on literature, to which was referred the bill entitled "An act for the relief of the Susquehanna seminary," reported that they have made sundry amendments thereto, and have amended the title so as to read as follows:—"An act in relation to the Susquehanna seminary, at Binghamton," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Hutchinson, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend an act authorizing the Canal Commissioners to build a bridge over the Chenango canal in the city of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the Assembly bill in relation to assessments, reported in favor of the adoption of the following resolution:

*Resolved*, That there be printed for the use of the Senate, 200 extra copies of Assembly bill No. 284, being the act to amend chapter 13, of part first of the Revised Statutes in relation to assessments.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Hutchinson moved that the committee on canals be discharged from the further consideration of the petition of canal captains and boat owners on the line of Champlain canal, in relation to drawing off water from the Waterford level, and that the same be transmitted to the Canal Board.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the resolution of the Canal Board asking the concurrence of the Legislature in a reduction of the rates of canal tolls on certain articles named in said reso-

lutions, reported in writing, and in favor of the adoption of the following resolution :

*Resolved*, (if the Legislature concur,) That the rates of toll on buffalo, moose and deer skins be reduced from five mills a thousand pounds a mile to three mills ; that the rates of toll on furs and skins of animals producing furs be reduced from one cent a thousand pounds a mile to three mills ; that the rate of toll on mahogany, except veneering, reduced to inch measure, be reduced from one cent and five mills per thousand feet a mile to five mills and six-tenths of a mill ; that the rates of toll on furniture for stoves, not cast iron, and on stove pipe, be reduced from six mills a thousand pounds a mile to three mills ; that the rate of toll on foreign salt be reduced from five mills a thousand pounds a mile to two and a half mills, and that the rate of toll on gypsum, foreign and the product of other States, be reduced from three mills a thousand pounds a mile to two mills."

Said report was laid on the table and ordered printed.

(See Doc. No. 69.)

Mr. Connolly moved that the committee on canals be discharged from the further consideration of the petition of certain forwarders at Oswego, in relation to damages sustained at weigh locks, and that the same be referred to the committee on claims.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,'" reported that they have substituted therefor the bill entitled "An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht,' passed April 18, 1859," and recommend its passage ; said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock."

"An act providing for the appointment of an additional number of notaries public in the city and county of New York."

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to regulate the use of highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to create a board of commissioners of appeals of the New York Fire department,' passed March 2, 1861," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause and insert as follows :

"Section 1. Section four of the act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York, passed March 2, 1861,' is hereby amended so as to read as follows :

"Section eleven of said act shall read as follows : The said commissioners shall have cognizance of all complaints against volunteer firemen for riotous or disorderly conduct at fires, or alarms of fire, or for violation of any of the State or City Laws, respecting the firemen of the city of New York ; they shall diligently inquire into the same, and if the parties so



charged shall be proved guilty, the said commissioners are hereby empowered to suspend, expel or disband such firemen, and the said commissioners or a majority thereof shall have power to alter or change the entry of expulsion on the firemen's register to 'resignation,' and also to alter, change or modify any judgment or decree of suspension subject to the approval of the board of appeals or a majority thereof.

"Section 2. All acts or parts of acts inconsistent with this act are hereby repealed.

"Section 3. This act shall take effect immediately."

Amend the title so as to read as follows:

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York,' passed March 2, 1861.'"

Mr. Woodruff moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Pruyn	Smith
Angel	Freer	Montgomery	Ramsey	Willard
Bailey	Hardin	Munroe	Richards	Woodruff
Clark	Little	Murphy	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

In pursuance of previous notice, Mr. Willard asked and obtained leave to introduce a bill entitled "An act for the appointment of a Receiver General of this State, and to transfer to his custody certain trust funds now in the hands of county treasurers," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

The bill entitled "An act for the relief of Ebenezer Murdock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Tobey
Angel	Freer	Low	Ramsey	Truman
Bailey	Ganson	Montgomery	Richards	Willard
Bell	Hardin	Munroe	Sanford	Woodruff
Clark	Hutchinson	Murphy	Smith	Young
Connolly				

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Montgomery	Ramsey	Tobey
Bailey	Ganson	Munroe	Richards	Willard
Bell	Hutchinson	Murphy	Sanford	Woodruff
Clark	Little	Pruyn	Smith	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to enable the electors of the town of Johnstown to vote by districts for town officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Cook	Little	Pruyn	Smith
Bailey	Ganson	Montgomery	Ramsey	Tobey
Bell	Hardin	Munroe	Richards	Willard
Clark	Hutchinson	Murphy	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

In pursuance of previous notice, Mr. Hardin moved to suspend so much of the 28th and 33d rules as prohibit bills being ordered to a third reading without being acted on in committee of the whole, in order to allow him to offer a resolution for a committee of nine.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

In pursuance of previous notice, Mr. Hardin offered the following resolution :

*Resolved*, That a select committee of nine be appointed by the President, to whom shall be referred all bills on the general orders, with instructions to select therefrom such bills as are in their judgment proper to be referred to the standing committees which reported them, with power to report complete ; but the committee shall not report any bill making an appropriation from the State treasury, nor any bill relating to city railroads, nor any bill reported for the consideration of the Senate, on which a minority report has been made, nor shall they have power to take any bill from the general orders without the assent of six of the members of said committee ; the committee shall make a list of the bills so taken by them, which list shall be read by the Clerk, and if approved of by a majority of all the members of the Senate, the said bills shall be so referred. No standing committee to whom any bill shall be referred back to report complete, by virtue of this resolution, shall be authorized to incorporate any amendment embracing a subject wholly distinct from the subject of the bill referred to them.

Mr. Hutchinson moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Bell moved to take from the table the report of the committee on the judiciary, adverse to the Assembly bill entitled "An act in relation to actions upon premium notes given to Mutual Insurance companies."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell moved that the Senate disagree with the committee in their report, and that said bill be ordered to a third reading.

Mr. Pruyn moved to lay said motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Clark	Cornell	Pruyn	Smith	Willard
Connolly	Ganson	Ramsey	Tobey	Woodruff
Cook	Murphy			

12

FOR THE NEGATIVE.

Abbott	Hardin	Low	Richards	Truman
Angel	Hutchinson	Montgomery	Sanford	Young
Bell	Little	Munroe		

13

After debate, Mr. Bell moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

Assembly, "An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859."

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York.'"

"An act to confirm and legalize certain acts of the common council of the city of New York."

After some time spent therein, the President resumed the chair, and Mr. Woodruff, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

Mr. Woodruff, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Woodruff, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bailey moved that the Assembly bill entitled "An act in relation to the corporation called the Baptist Missionary Convention of the State of New York," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock.

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SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows :

"An act for the withdrawal of the circulating bills of incorporated banks whose charters have expired or may hereafter expire, and to secure the redemption thereof."

Assembly, "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne."

"An act to authorize the canal commissioners to build a farm bridge over the Genesee Valley canal on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany."

After some time spent therein the President resumed the chair, and Mr. Cornell, from said committee, reported that they have stricken out the enacting clause of the first named bill, and directed their chairman to report that fact to the Senate.

Mr. Ganson moved to disagree with the committee in their report, and that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Angel	Ganson	Murphy	Sanford	Tobey	
Cook	Hatchinson	Richards			8

FOR THE NEGATIVE.

Abbott	Connolly	Low	Pruyn	Smith	
Bell	Cornell	Montgomery	Ramsey	Truman	
Bradley	Little	Munroe	Robertson	Young	15

The President then put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative.

Said bill was rejected.

Mr. Cornell, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Cornell, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Low moved that the bill entitled "An act to compensate bona fide occupants and purchasers of wild lands in Sullivan county for their improvements made thereon prior to the year 1857," be referred to the first committee of the whole, on Friday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Cornell moved that the bill entitled "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Richards, the Senate adjourned.

## WEDNESDAY, MARCH 19, 1862.

The Senate met pursuant to adjournment.

Prayed by Rev. Mr. Trafton.

The journal of yesterday was read and approved.

Mr. Cornell presented a petition of David A. Fowler, deputy county clerk of the county of New York, asking for compensation for discharging duties as deputy clerk of the Supreme Court, which was read and referred to the committee on the judiciary.

Mr. Angel presented a petition of Miss Emma Hardinge and ninety-four others, for an Industrial home for out-cast women, which was read and referred to the committee on charitable and religious societies.

Mr. Montgomery, in behalf of Mr. Little, presented a petition of citizens of Warren, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

Mr. Bell presented a petition of citizens of Jefferson county, on same subject, which was laid on the table.

Mr. Folger presented a petition of tax payers of Ontario county, for a law authorizing the supervisors of that county to raise money by tax to pay expenses of subsisting volunteers, which was read and referred to the committee on the judiciary.

Mr. Freer presented a remonstrance of citizens of the town of Ashland, against depriving them of the right to pass the middle gate of the Schoharie Kill bridge company free of toll, which was read and referred to the committee of the whole.

Mr. Murphy presented a petition of inhabitants of Fort Hamilton, Kings county, in favor of the passage of the Metropolitan health bill, which was read and referred to the committee on commerce and navigation.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the village of Kingston,' passed April 8, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend the charter of the Ravenswood, Hallett's Cove and Williamsburgh turnpike and bridge company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on medical societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York,' passed March 2, 1861.'"

Also as correctly engrossed:

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860."

Mr. Connolly, from a majority of the select committee consisting of Messrs. Connolly, Bell, Ganson, Truman, Freer, Hardin and Ramsey, to which was referred the matter of dividing the State into Congressional districts, reported by bill entitled "An act dividing the State into Congressional districts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bell, from the minority of the select committee consisting of Messrs. Connolly, Bell, Ramsey, Truman, Freer, Hardin and Ganson, to which was referred the matter of dividing the State into Congressional districts, reported by bill entitled "An act dividing the State into Congressional districts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to cede the jurisdiction of this State to the United States over lands in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Ramsey	Tobey
Angel	Folger	Montgomery	Richards	Truman
Bell	Freer	Munroe	Robertson	Willard
Bradley	Ganson	Murphy	Sanford	Woodruff
Clark	Hardin	Pruyn	Smith	Young
Connolly				

26

*Ordered.* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act in relation to furnishing district libraries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

"An act to authorize the Canal Commissioners to build a farm bridge over the Genesee Valley canal on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany."

The Assembly bill entitled "An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Tobey
Angel	Cornell	Low	Richards	Truman
Bell	Freer	Montgomery	Robertson	Willard
Bradley	Ganson	Munroe	Sanford	Woodruff
Clark	Hardin	Murphy	Smith	Young
Connolly	Hutchinson	Pruyn		

28

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and the Clerk ordered to transmit said bill to the Assembly immediately, informing that the Senate have concurred in the passage of the same, with amendments.

The third reading of the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," having been announced—

On motion of Mr. Ganson and by unanimous consent, said bill was amended by inserting the following as section six, to wit:

"§6. Any fire, or fire and marine insurance company chartered by this State may have a lien, by passing a by-law to that effect, upon the stock, or certificate of profits owned by any member for any debt hereafter to become due the said company for premiums, by stating that the said stock is subject to any such lien upon the certificates of stock, or profits, and such lien may be waived in writing by the consent of the President of said company upon the transfer of any such stock."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Pruyn	Tobey
Angel	Cornell	Montgomery	Richards	Truman
Bell	Freer	Munroe	Robertson	Willard
Clark	Hardin	Murphy	Smith	Young
Connolly	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act relating to the jail and penitentiary in the county of Kings," having been announced—

On motion of Mr. Murphy and by unanimous consent, said bill was amended by adding to section 7, the following:

"And for the purpose of confining prisoners held on civil process the sheriff of said county shall have the exclusive custody of a suitable portion of the jail of said county, to be assigned by the board of supervisors for that purpose, any thing in this act contained to the contrary notwithstanding."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Ramsey	Tobey
Bell	Folger	Montgomery	Richards	Truman
Clark	Freer	Munroe	Robertson	Willard
Connolly	Ganson	Murphy	Smith	Young
Cook	Hardin	Pruyn		

23

#### FOR THE NEGATIVE.

Angel	Hutchinson
-------	------------

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of the Troy University," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Montgomery	Ramsey	Tobey
Angel	Cornell	Munroe	Richards	Truman
Bell	Freer	Murphy	Robertson	Willard
Clark	Little	Pruyn	Smith	Woodruff
Connolly				

21

FOR THE NEGATIVE.

Folger	Ganson	Hutchinson	Young
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Richards	Truman
Angel	Ganson	Montgomery	Robertson	Willard
Clark	Hardin	Munroe	Smith	Woodruff
Connolly	Hutchinson	Pruyn	Tobey	Young
Cook				

21

FOR THE NEGATIVE.

Folger
--------

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Truman
Angel	Cornell	Montgomery	Richards	Willard
Bell	Folger	Munroe	Smith	Woodruff
Clark	Hardin	Murphy	Tobey	Young
Connolly	Hutchinson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to authorize the Canal Commissioners to build a farm bridge over the Genesee Valley canal on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Murphy	Smith
Angel	Folger	Hutchinson	Ramsey	Truman
Clark	Freer	Little	Richards	Willard
Connolly	Ganson	Munroe	Robertson	Young
Cook				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Ramsey—

*Resolved*, That Henry C. Leslie be and he is hereby appointed an additional page, to perform the same duties heretofore performed by the janitor.

Mr. Connolly offered the following resolution :

*Resolved*, That Senate bill No. 147, entitled "An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855," be and the same is hereby referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Cook called for the consideration of the following resolution from the Canal Board, in relation to the reduction of tolls on certain articles named therein, to wit :

*Resolved*, (if the Legislature concur,) That the rates of toll on buffalo, moose and deer skins be reduced from five mills a thousand pounds a mile to three mills ; that the rates of toll on furs and skins of animals producing furs be reduced from one cent a thousand pounds a mile to three mills ; that the rate of toll on mahogany, except veneering, reduced to inch measure, be reduced from one cent and five mills per thousand feet a mile to five mills and six-tenths of a mill ; that the rates of toll on furniture for stoves, not cast iron, and on stove pipe, be reduced from six mills a thousand pounds a mile to three mills ; that the rate of toll on foreign salt be reduced from five mills a thousand pounds a mile to two and a half mills, and that the rate of toll on gypsum, foreign and the product of other States, be reduced from three mills a thousand pounds a mile to two mills."

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

Mr. Smith moved that the bill entitled "An act to repeal an act entitled 'An act to provide for the widening of Fourth avenue, in the city of Brooklyn, and to establish a public drive and promenade on said avenue,' passed April 12, 1860, with the act amendatory thereof," be recommitted to the committee on cities and villages, and when reported retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Pruyn moved that the bill entitled "An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861," be referred to the first committee of the whole, on Monday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin moved to take from the table the following resolution :

*Resolved*, That a select committee of nine be appointed by the President, to whom shall be referred all bills on the general orders, with instructions

to select therefrom such bills as are in their judgment proper to be referred to the standing committees which reported them, with power to report complete; but the committee shall not report any bill making an appropriation from the State treasury, nor any bill relating to city railroads, nor any bill reported for the consideration of the Senate, or on which a minority report has been made, nor shall they have power to take any bill from the general orders without the assent of six of the members of said committee; the committee shall make a list of the bills so taken off by them, which list shall be read by the Clerk, and if approved of by a majority of all the members of the Senate, the said bills shall be so referred. No standing committee to whom any bill shall be referred back to report complete, by virtue of this resolution, shall be authorized to incorporate any amendment embracing a subject wholly distinct from the subject of the bill referred to them.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

Mr. Truman offered the following resolution:

*Resolved*, (if the Assembly concur,) That the Legislature of the State of New York approve the message of President Lincoln offering the co-operation of the Government of the United States in any movement which may be initiated in the slaveholding States for the "abolishment" of slavery, and that our Senators and Representatives in Congress are earnestly requested to use their influence and cast their votes so as to secure such abolishment.

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act to enable the supervisors of the county of New York to raise money by tax, to defray the expenses, in part, of the support of the government of the city of New York, and to regulate the expenditure thereof, also to provide for deficiencies caused by erroneous assessments and the non-collection of taxes," which was read the first time, and by unanimous consent was also read the second time.

Mr. Cornell moved that said bill be referred to a select committee consisting of the Senators from the city and county of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the electors of the town of Johnstown to vote by districts for town officers."

*Ordered*, That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Cook moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to legalize the official acts of Nathan T. Young as justice of the peace," and that said bill now have its third reading.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Richards	Tobey
Angel	Freer	Montgomery	Robertson	Willard
Bradley	Ganson	Munroe	Sanford	Woodruff
Connolly	Hardin	Murphy	Smith	Young
Cook	Little	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Smith moved that the bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the bill entitled "An act to amend an act entitled 'An act to incorporate the Erie county savings banks,' passed April 10, 1854," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia."

"An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861."

Assembly, "An act in relation to the corporation called the Baptist Missionary Convention of the State of New York."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Bradley, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The President announced as the select committee on the resolutions of Mr. Woodruff as to Album for General Scott—Messrs. Woodruff, Tobey and Cook.

The President appointed as the select committee of nine to whom are referred certain bills on the general orders—Messrs. Hardin, Folger, Murphy, Ramsey, Richards, Angel, Truman, Connolly and Abbott.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

## THURSDAY, MARCH 20, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Stratton.

The journal of yesterday was read and approved.

The Assembly returned the following entitled bill:

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the better regulation of the firemen in the city of New York,' passed March 2, 1861.'"

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to prevent supervisors from holding county offices and taking certain contracts."

The Assembly sent for concurrence the following entitled bill:

"An act for the relief of Leonard Van Derkar," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union railroad company, due 1st of January, 1863, as shall not be covered by money on hand for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the sale and conveyance of the interest of the infant heirs of Wm. C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Newburgh Home for the Friendless," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to prevent attempts to commit burglaries and other crimes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to amend section 25, of title 3, of part 3d, of article 1st, of chapter 2d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act in relation to the corporation called

the Baptist Missionary Convention of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Smith
Angel	Connolly	Ganson	Murphy	Tobey
Bailey	Cook	Hardin	Pruyn	Willard
Bell	Cornell	Little	Richards	Young
Bradley	Folger	Low	Sanford	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861."

"An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia."

The Assembly returned the following entitled bill, with a message that they had concurred in the amendment of the Senate thereto :

"An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands in the towns of Pine Plains and Stanford in the county of Dutchess,' passed April 14, 1859."

*Ordered*, That the Clerk return said bill to the Assembly.

The bill entitled "An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Tobey
Angel	Cook	Hutchinson	Pruyn	Truman
Bailey	Cornell	Little	Richards	Willard
Bradley	Folger	Low	Sanford	Woodruff
Clark	Freer	Montgomery	Smith	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Smith
Angel	Connolly	Hardin	Richards	Willard
Bailey	Cornell	Little	Robertson	Woodruff
Bradley	Folger	Low	Sanford	Young

20

## FOR THE NEGATIVE.

Bell	Cook	Hutchinson	Montgomery	
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Willard offered the following resolution :

*Resolved*, That Senate bill No. 107, entitled "An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Munroe offered the following resolution :

*Resolved*, That 250 extra copies of the Superintendent's report on Savings Banks, be printed for the use of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Angel moved that the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved the Assembly bill entitled "An act to provide for the examination of the accounts of the Treasurer and Canal Department, and the securities of the Bank Department," be referred to the first committee of the whole, not full.

Mr. Robertson moved to recommit said bill to the committee on finance.

The President put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the affirmative.

Mr. Tobey moved that the Assembly bill entitled "An act in relation to Vassar Female College," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved that the Assembly bill entitled "An act to improve the Central park in the city of New York," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bradley moved that the bill entitled "An act regulating the sale of hay and straw in the cities of New York and Brooklyn," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Abbott moved that the bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 3, of article 7 of the Constitution," be made the special order for Friday, immediately after reading of journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and

resumed the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851."

"An act to amend an act entitled 'An act to incorporate the Erie County Savings bank,' passed April 10, 1854."

"An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Robertson, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Angel moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to the committee on the judiciary, and when reported retain its place on general orders, to report on Saturday.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Little	Prays	Truman	
Bell	Hutchinson	Low	Richards		9

#### FOR THE NEGATIVE.

Abbott	Cornell	Ganson	Ramsey	Willard	
Bailey	Folger	Munroe	Sanford	Woodruff	
Clark	Freer	Murphy	Tobey	Young	
Connelly					16

The President then put the question whether the Senate would agree on granting leave to sit again, and it was decided in the affirmative.

Mr. Connolly moved that said bill be made the special order for this evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The hour of fifteen minutes to two having arrived, the President announced that the Senate would take a recess until 7 o'clock P. M.

#### SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Hardin, from the select committee of nine, reported the following entitled bills as proper to be taken from the general orders and recommitted to the standing committees which reported them, with power to report complete:

"An act for the better support of roads and bridges in Saratoga Springs."

"An act in relation to the First Congregational church and society of Moravia."

"An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860."

"An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer."

"An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

"An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work house in the county of Monroe."

"An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861."

"An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere."

"An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogate courts,' passed May 16, 1837."

Also, the following Assembly bills:

"An act to incorporate the firemen of the city of Schenectady, and for other purposes."

"An act to amend an act entitled 'An act to incorporate the International bridge company, passed April 17, 1857,' and the several acts amendatory thereof."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

By unanimous consent, Mr. Bell, from a majority of the committee on finance, to which was referred the bill entitled "An act to levy and collect tolls on freight passing over the New York Central railroad, the New York and Erie railroad, and the Oswego and Syracuse railroad," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work house in the county of Monroe," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled



'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogate courts,' passed May 16, 1837," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

Assembly, "An act in relation to Vassar Female College."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same.'"

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Freer, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Freer, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act regulating the sale of hay and straw in the cities of New York and Brooklyn."

Assembly, "An act to improve the Central park in the city of New York."

"An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855."

After some time spent therein, the President resumed the chair, and Mr. Low, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Low, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Low, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Young, from the committee on poor laws, to which was referred the bill entitled "An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860;" with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Richards, the Senate adjourned.

## FRIDAY, MARCH 21, 1862.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act, passed April 13, 1857.'"

"An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for the better keeping highways in repair in the town of Seneca, in the county of Ontario."

"An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America."

"An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto."

"An act to authorize the West Winfield bank to reduce its capital."

"An act to amend an act entitled 'An act to regulate the sale of poison,' passed April 16, 1860."

"An act to incorporate the American Missionary Association."

"An act to amend the charter of the Schenectady Fire Insurance company, and to change its name."

"An act to alter the commissioners' map of the city of Brooklyn."

"An act to dissolve the First Society of United Christian Friends, called Restorationists."

"An act to incorporate the Starr Institute."

"An act to authorize the town of Manheim to raise moneys to reimburse expenditures for volunteers in the service of the United States."

Also the following Assembly bills:

"An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855."

"An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city."

"An act to authorize the Bank of Troy to reduce its capital stock."

"An act to repeal section 1, of chapter 48 of Laws of 1851, and chapter 415 of Laws of 1853."

"An act for the relief of the Ulster and Delaware plankroad company."

"An act to authorize Paul Bresson to take, hold and convey real estate in the city of New York."

"An act for the relief of James Irving, and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by deed from Hugh McGowan, an alien."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Ramsey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bell	Cook	Montgomery	Ramsey	Tobey
Bradley	Freer	Munroe	Richards	Willard
Clark	Hardin	Murphy	Robertson	Woodruff
Connolly	Low	Pruyn	Smith	Young
				20

FOR THE NEGATIVE.

Folger	Ganson	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and of the several acts amendatory thereof so far as relates to the village of Middletown, in the county of Orange," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to incorporate the Forty-second street railroad company, in the city of New York," reported the same to the Senate, with amendments, for its consideration, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act authorizing the village of Peekskill to borrow money and levy taxes for the payment of the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Richards, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Leonard Van Derkar," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ganson, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district,' reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on medical societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to regulate the sale of poison,' passed April 16, 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Starr Institute," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of Clark Rice for a law relative to assessors' oaths, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the discharge of mortgages of record in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to sell certain lands in said city," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the appointment of a Receiver General of this State, and to transfer to his custody certain trust funds now in the hands of county treasurers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the Port Henry Iron Ore company of Lake Champlain, to borrow money by mortgage on their real estate in Essex county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the Sable Iron company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Knickerbocker Life Insurance company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the relief of the Ulster and Delaware plankroad company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the International bridge company, passed April 17, 1857,' and the several acts amendatory thereof," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to dissolve the First Society of the United Christian Friends called Restorationists," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the American Missionary Association," with power to report complete, reported the same

complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Superintendent of the Bank Department in relation to Savings Banks, reported in favor of the adoption of the following resolution:

*Resolved*, That 250 extra copies of the Superintendent's report on Savings Banks, be printed for the use of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend the charter of the Schenectady Fire Insurance company, and to change its name," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to cede the jurisdiction of this State to the United States over lands in the city of Buffalo."

"An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851."

"An act to amend an act entitled 'An act to incorporate the Erie county savings banks,' passed April 10, 1854."

"An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer."

"An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere."

"An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

"An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855."

"An act to regulate the sale of hay and straw in the cities of New York and Brooklyn."

"An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

"An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work house in the county of Monroe."

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861,"

with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to authorize the West Winfield bank to reduce its capital," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The Assembly returned the bill entitled "An act to authorize attorneys of the Supreme Court of this State residing in adjoining States to practice in the courts of this State," with a message that they had concurred in the passage of the same with the following amendment:

Strike out section 1, and insert the following in lieu thereof:

"Sec. 1. Any regularly admitted and licensed attorney of the Supreme Court of this State, and whose only office for the transaction of law business is within this State, may practice as such attorney in any of the courts of this State, notwithstanding he may reside in a State adjoining the State of New York, provided that this act shall extend only to attorneys who have been heretofore admitted to practice in the courts of this State, and who reside out of the State of New York, and that service of papers which might according to the practice of the courts of this State, be made upon said attorney at his residence, if the same were within the State of New York, shall be sufficient if made upon him by depositing the same in the general post office in the city or town wherein his said office is located, directed to said attorney at his office, and paying the postage thereon; and such service shall be equivalent to personal service at the office of such attorney."

Mr. Connolly moved that the Senate concur in said amendment.

Mr. Folger moved that the amendments of the Assembly thereto, be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion to refer, and it was decided in the affirmative.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to authorize the city of Brooklyn to issue bonds in payment of moneys borrowed for the equipment of volunteers and militia for the present war, and the support of their families," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Murphy and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Smith
Bell	Cornell	Low	Pruyn	Tobey
Bradley	Folger	Montgomery	Richards	Willard
Clark	Ganson	Munroe	Robertson	Young
Connolly				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Low moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7. 1847,' and of the several acts amendatory thereof, so far as relates to the

village of Middletown, in the county of Orange," and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Montgomery	Robertson
Bell	Cook	Hardin	Munroe	Tobey
Bradley	Cornell	Hutchinson	Pruyn	Willard
Clark	Folger	Low	Richards	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Richards presented a petition of citizens of Washington county, in favor of so amending the Constitution as to prohibit the sale of intoxicating drinks, which was laid on the table.

The President then announced the special order, being the bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 3 of article 7 of the Constitution."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bradley	Freer	Montgomery	Ramsey	Tobey
Connolly	Ganson	Munroe	Richards	Willard
Cook	Hardin	Murphy	Robertson	Woodruff
Cornell	Little	Pruyn	Smith	Young
Folger				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Erie county savings banks,' passed April 10, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bradley	Folger	Low	Pruyn	Smith
Clark	Freer	Montgomery	Ramsey	Willard
Connolly	Ganson	Munroe	Richards	Woodruff
Cook	Hardin	Murphy	Robertson	Young
Cornell	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work house in the county of Monroe," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Clark	Folger	Little	Prayn	Smith
Connolly	Freer	Montgomery	Ramsey	Tobey
Cook	Ganson	Munroe	Richards	Willard
Cornell	Hardin	Murphy	Robertson	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bradley	Folger	Low	Prayn	Smith
Clark	Freer	Montgomery	Ramsey	Tobey
Connolly	Ganson	Munroe	Richards	Willard
Cook	Hardin	Murphy	Robertson	Young
Cornell	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Prayn	Tobey
Bradley	Folger	Low	Ramsey	Willard
Clark	Freer	Montgomery	Richards	Woodruff
Connolly	Ganson	Munroe	Robertson	Young
Cook	Hardin	Murphy	Smith	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Ramsey	Tobey
Bradley	Folger	Montgomery	Richards	Willard
Clark	Freer	Munroe	Robertson	Woodruff
Connolly	Ganson	Murphy	Smith	Young
Cook	Hardin			

25



*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Little	Pruyn	Tobey
Clark	Folger	Low	Richards	Willard
Connolly	Freer	Munroe	Smith	Woodruff
Cook	Ganson	Murphy		

18

**FOR THE NEGATIVE.**

Bradley	Hutchinson	Montgomery	Ramsey	Young
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5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Hutchinson	Pruyn	Tobey
Bradley	Folger	Montgomery	Ramsey	Woodruff
Clark	Freer	Munroe	Richards	Young
Connolly	Ganson	Murphy	Smith	

19

**FOR THE NEGATIVE.**

Cook	Little	Willard
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to Vassar Female College," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Cornell	Low	Ramsey	Tobey
Bradley	Folger	Montgomery	Richards	Willard
Clark	Freer	Munroe	Robertson	Woodruff
Connolly	Ganson	Murphy	Smith	Young
Cook	Hutchinson	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to improve the Central park in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Montgomery	Ramsey	Tobey
Bradley	Folger	Munroe	Richards	Willard
Clark	Freer	Murphy	Robertson	Woodruff
Connolly	Low	Pruyn	Smith	Young
Cook				

21

FOR THE NEGATIVE.

Ganson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act regulating the sale of hay and straw in the cities of New York and Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Murphy	Willard
Bradley	Cornell	Low	Ramsey	Woodruff
Clark	Folger	Montgomery	Richards	Young
Connolly	Ganson	Munroe	Smith	

19

FOR THE NEGATIVE.

Freer

Tobey

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogate courts,' passed May 16, 1837," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Ramsey	Tobey
Clark	Folger	Montgomery	Richards	Willard
Connolly	Freer	Murphy	Robertson	Woodruff
Cook	Little	Pruyn	Smith	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same," with a message that they had concurred in the passage of the same with the following amendments :

Strike out all after the enacting clause, and insert in lieu thereof the following :

Section 1. Section four of title two of the act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick, and to incorporate the same, passed April 17th, 1854," is hereby amended so as to read as follows :

§ 4. There shall be chosen by the electors of the several wards respectively herein mentioned, at the general State election to be held in the year

one thousand eight hundred and sixty-two, and every two years thereafter, one alderman from each of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth and eighteenth wards of said city; and in the year one thousand eight hundred and sixty-three, and every two years thereafter, one alderman from each of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth and nineteenth wards of the said city. The aldermen so chosen shall be entitled to take their seats on the first day of January next succeeding their election; and the terms of office of the present aldermen of the said wards respectively, shall continue until their successors shall be chosen as above provided, and shall have qualified.

§ 2. Section twelve of said title two is hereby amended so as to read as follows:

§ 12. The common council shall hold stated meetings, commencing on the first Monday of January in each year, unless the said first Monday happen on the first day of the year, in which case such stated meetings shall commence on the second Monday of January; but the mayor, or in his absence, any three aldermen, may call special meetings of the common council by notice to each alderman, served upon him personally or left at his usual place of residence. The common council may at any regular meeting, by resolution, order a special meeting, and such resolution shall not require the approval of the mayor.

§ 3. Section thirteen of said title two is hereby amended so as to add after the word "by-laws," in the first clause thereof, the words "subject to the provisions of this act and not inconsistently therewith."

§ 4. Subdivision thirty-three of section thirteen of said title two is hereby repealed.

§ 5. Section twenty-one of title two of said act of incorporation is hereby amended so as to read as follows:

§ 21. The mayor and comptroller of said city shall annually, on or before the first Monday of June, present to the common council and the supervisors of the city, in joint meeting, a statement in writing of the several sums of money which they shall deem necessary to be raised by tax for the various purposes contemplated by this act and otherwise by law, for the year commencing on the first day of January next thereafter.

§ 6. Section twenty-two of said title two is hereby amended so as to read as follows:

§ 22. The common council and the supervisors of the city, shall meet in joint board on the first Monday of June, in each year, and then, or as soon thereafter as practicable, proceed to determine, by a majority of at least two-thirds of the members present, what sums will be necessary to defray the expenses of said city for the year to commence on the first day of January next thereafter, not exceeding in the aggregate the total amount estimated by the mayor and comptroller in their statement to the said joint board, and also the interest due, or to become due in that year, on the public debt of the city, and any installments due, or to become due thereon, in that year, together with such sums as by this act are authorised for the use and benefit of the public schools of said city, and as are, or shall be required by law to be paid into the sinking fund of the city, and as shall be necessary to pay any judgments recovered against the city. It shall not be lawful for the said joint board to determine for the expenses or purposes for any one year of the fire department, including all salaries therefor, any greater sum than fifty thousand dollars; and no greater sum shall be levied or raised for such expenses or purposes in the taxes of any one year.

§ 7. Section three of title three of the said act of incorporation is hereby amended so as to read as follows:

§ 8. Elections for mayor and such other officers as are by the provisions of this act to be elected, shall be held by the electors of the said city on the day of the general State election, at the same time and places, and in such manner and under such regulations as are or shall be prescribed by law in regard to State elections; the comptroller, treasurer, auditor, collector of taxes and assessments and commissioner of taxes shall be elected at such election in the year one thousand eight hundred and sixty-two; the mayor and street commissioner shall be elected at such election in the year one thousand eight hundred and sixty-three. The present incumbents of the respective offices aforesaid, except the collector of taxes and assessments, shall continue in office until the first day of January after the election of their respective successors as herein provided, and until such successors shall have qualified. The present collector of taxes and assessments shall continue in office until the first day of July, eighteen hundred and sixty-three, and until his successor shall have qualified.

§ 8. Section four of said title three is hereby amended so as to read as follows:

§ 4. At the said elections the city judge, police justice and justices of the peace, or such of them as are required to be chosen at any election, shall be voted for on a separate ballot endorsed "judiciary;" the mayor, comptroller, auditor, city treasurer, street commissioner, collector of taxes and assessments, commissioner of taxes, or such of them as shall require to be chosen at any election, shall be voted for on a separate ballot to be endorsed "city officers," and the aldermen, supervisors and other ward officers, to be elected by the wards respectively, shall be voted for on a separate ballot endorsed "ward officers." Such ballots shall be deposited by the inspectors of the different election districts in separate boxes to be provided by the city.

§ 9. Section twenty-three of said title three is hereby amended so as to read as follows:

§ 23. The official term of the several persons who shall be elected in pursuance of this act, shall commence on the first day of January next after their election, except that of the collector of taxes and assessments, whose term shall commence on the first day of July next after his election; and the official terms of all persons who shall be appointed to any office or place in pursuance of this act shall commence as follows:

1. Such as are required to give security for the performance of their duties from the time such security shall be given and approved.

2. Such as are not required to give security from the time they shall have taken and filed the oath of office hereinafter mentioned.

§ 10. Section twenty-four of said title three is hereby amended so as to read as follows:

§ 24. The common council shall, at their first meeting thereof in January in each year, or as soon thereafter as practicable, by ballot appoint a city clerk, a health officer, a keeper of the city hall, a messenger of the common council and two inspectors of pavements, and by ballot or otherwise, so many pound masters, clerks of markets, surveyors, sealers of weights and measures and clerks of departments as they shall deem it expedient to appoint, but no such appointment shall be lawful unless the compensation for such officers respectively shall have been previously provided for by tax. All persons so appointed shall hold their respective offices until the first day of January next after their appointment, and until their successors shall have been appointed and shall have qualified. The present incumbents of the offices mentioned in this section shall hold their places until

the first day of January, one thousand eight hundred and sixty-three, and their successors shall have qualified. The office of inspector of meats is hereby abolished. The common council shall, at their first meeting in January in the year one thousand eight hundred and sixty-three, and at their first meeting in every second year thereafter, or as soon after that day in such year as may be practicable, appoint the attorney and counsel for the corporation in this title before mentioned. The present attorney and counsellor shall continue in office until a successor shall have been appointed as aforesaid and shall have qualified.

§ 11. Section twenty-nine of said title three is hereby amended so as to read as follows :

§ 29. The common council shall grant and pay to the mayor, comptroller, auditor, street commissioner, collector of taxes and assessment, commissioner of repairs and supplies, commissioner of taxes, attorney and counsellor, treasurer, assessors, and all other officers, clerks, or other persons elected or appointed under, or in pursuance of this act, except to aldermen and supervisors, such stated salaries as it may, from time to time deem proper ; but such salaries shall be, instead of all fees and perquisites whatever, for services to be performed by such officers ; and all such fees and perquisites shall be collected and paid to the treasurer of the city, for the use of the city, by every such officer and clerk, monthly, under oath, to be filed with the comptroller, before he shall be entitled to receive any such salary ; but no officer's salary shall be increased after his election and during his continuance in office, nor shall it be diminished without a vote of two-thirds of the members elected to the common council, in favor of such diminution.

§ 12. Section thirty-four of said title three is hereby amended so as to read as follows :

§ 34. There shall be elected at the general election, to be held in the year one thousand eight hundred and sixty-two, and at such election every two years thereafter, by the electors respectively of the first, third, fifth, seventh, ninth, eleventh, thirteenth, fifteenth, seventeenth, and nineteenth wards of the said city, one supervisor for each of said wards ; and there shall be elected at the said general elections in the year one thousand eight hundred and sixty-two, and again in the year one thousand eight hundred and sixty-three and at such elections every two years after the said election in the year one thousand eight hundred and sixty-three, by the electors respectively of the second, fourth, sixth, eighth, tenth, twelfth, fourteenth, sixteenth and eighteenth wards of said city, one supervisor for each of the said last mentioned wards. The supervisors so chosen shall be entitled to take their seats on the first day of January succeeding their election, and shall hold their offices until their successors shall be chosen as above provided and shall have qualified. The terms of office of the present supervisors shall continue until their successors, as above provided, shall be chosen and shall be qualified. The supervisors to be chosen, as by this section provided, shall possess the powers and be entitled to the compensation, respectively, of supervisors of the county of Kings.

§ 13. There shall be a commissioner of taxes chosen by the voters of the city at large, at the election to be held in the year one thousand eight hundred and sixty-two, and at such election every third year thereafter. He shall keep, in suitable books to be provided for that purpose, a record of all information which he may be able to obtain in respect to the taxable property and persons liable to taxation in the city of Brooklyn, and all changes in the ownership of real estate in said city, of which he can obtain information. He shall appoint a suitable person in said office, whose business it

shall be, under his direction, to take charge of the ward maps, to amend and correct the same, and also the record of the property in the office of the commissioner of taxes, both as regards the proprietorship and extent of such property, by a daily examination of the conveyances which shall be left for record in the office of the register of the county of Kings, which examination he shall be entitled to make free of all charges whatsoever during office hours; to make all the necessary surveys for the purpose of such correction, and to prepare all maps which shall be necessary for the use of the board of assessors.

§ 14. Section three of title four of said act of incorporation is hereby amended so as to read as follows:

§ 8. Whenever a petition for opening or widening any street, road, avenue, park or square in said city, signed by a majority of the persons owning land on the line of the same, shall be presented to the common council of said city, the common council shall cause a notice to be published in the corporation newspapers, that such application has been made, and of the time (which shall not be less than twenty days after the first publication of such notice) when they will proceed on said petition, which notice shall be published daily, in the newspapers employed by the corporation, for two weeks successively; and unless a remonstrance, signed by a majority of the persons to be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide that such improvement be made. Before giving notice of the pendency of such application, the common council shall fix the limit or district of assessment, beyond which the assessment shall not extend, and a description of such limit or district shall be inserted in and form a part of such notice. If the common council shall deem it proper to permit such improvements to be made, they shall cause application to be made to the supreme court, in the second district, at a general term thereof, for the appointment of three persons as commissioners to estimate the expense of the said improvement, and the amount of damages to be sustained therefrom, by the owners of lands and buildings, and all other persons interested in the premises, who may be affected thereby. The persons so appointed shall not be interested in the improvement. The said court may also appoint another, or others, to act in the place of any one or more of such commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disabled from serving.

§ 15. Section five of said title four is hereby amended so as to read as follows:

§ 5. The common council shall cause a map to be made by a competent surveyor, on which map shall be designated by feet and inches, as near as may be, the several pieces of land, buildings necessary to be taken for the improvement, and of any residue of lots or pieces of land within the district of assessment, of which lots or pieces of land only a part will be required of the same for the purposes of said improvement; which said lots or pieces of land to be taken, and residues of lots or pieces of land, shall be numbered in figures from one upwards; and the map aforesaid, shall form and constitute a part of the reports of the said commissioners of estimate, and of the board of assessors in relation to said improvement, and shall be deposited with said reports respectively, for examination, in the office of the clerk of the county of Kings, and in the office of the commissioner of taxes, with said reports respectively, as hereinafter provided. In case there shall be no ward maps showing the lots or pieces of land within the

district of assessment, the map to be made as aforesaid, shall also show the several pieces of land within the district of assessment.

§ 16. Section seven of said title four shall be amended so as to read as follows :

§ 7. The report of said commissioners shall be made in a tabular form, with columns in which shall be distinctly given the whole expense of the proposed improvement and the several items of such expense, the number on the map of the pieces of land required for the improvement, and of any residues within the district of assessment of lots or pieces of land of which only a part will be required for the same, the names of persons interested in the property taken for the improvement, and the nature of their interest, and the amount awarded to the different parties, and so many and such other different columns and tabular statements as may be necessary to state the true interests of the parties in the lands and premises, and their liabilities in relation thereto.

§ 17. Section fifteen of title four of said act of incorporation, is hereby amended so as to read as follows :

§ 15. Upon the confirmation of the report of the commissioners of estimate of the expense of the improvement, it shall, together with the map, be delivered to the board of assessors of said city, whose duty it shall be to apportion and assess the expenses of the improvement as determined by the report of the said commissioners, upon the lands and premises benefited or intended to be benefited, by the improvement within the district of assessment, in proportion to the benefit derived by such lands and premises respectively thereby. The said board of assessors shall make their apportionment and assessment in a report or list in tabular form, with columns, giving the numbers, according to the ward map or maps, of the pieces of land assessed for benefit; or when there are no ward maps, according to the map made by order of the common council for the purposes of the improvement as aforesaid, the names of the owners or occupants thereof respectively, the amount assessed on each piece of land and on the different interests therein, the balance of awards to be received by the different parties over their assessments, the assessment to be paid by the owners of the pieces of land assessed respectively, and by other persons interested therein, the balance of assessment to be paid by any such owners or persons over any awards made to them respectively, and such other statements as they may deem necessary to make. And upon the completion of the report of the said board of assessors, the same proceedings shall be had in relation thereto in all respects, until the confirmation thereof by the supreme court, as are required in relation to the report of the commissioners of the estimate of the expense of the improvement by sections twelve, thirteen and fourteen of this title; and all the provisions of said sections for review, appeal, revision, correction and confirmation thereof, shall apply thereto, except that the said report shall be filed in the office of the commissioner of taxes for examination, and that, if the court shall send the same back for revision and correction, it shall be sent back to the board of assessors. Upon the confirmation of the report of assessment list of the said board of assessors, and not until then, the rights of the owners or other parties interested in the lands taken to the awards made to them respectively shall become fixed, and the common council shall be thereupon authorized to cause such improvement to be made. In case any such assessment list or report of the board of assessors shall be afterwards set aside or declared void for irregularity or other cause, which shall not affect the validity of the awards made in the same improvement, it shall be the duty of the board of assessors to make out a new assessment list or report in the manner

herein provided, which further report and the assessment therein, shall be subject in all respects to the provisions in this section and otherwise in this act provided, in relation to the original reports and the assessments thereby made. If the said board of assessors shall, instead of making out an assessment list as aforesaid, merely report that the lands and premises within the assessment district are not benefited to the amount estimated by the said commissioners for the expenses of the improvement, as the said board of assessors may and shall do, if in their judgment, such be the fact, the court shall, upon the presentation of such report for confirmation, order the proceedings for said improvement to be discontinued, and thereupon all proceedings had in relation thereto, shall be null and void, and the city of Brooklyn shall in no case be liable in relation thereto. It shall be sufficient in making the awards and assessments for damages or benefits under this act, or any special or other act relating to laying out, opening, widening or extending any street, avenue, boulevard, park or square, in the said city, for the commissioners appointed or to be appointed to make the same, and for the board of assessors to state in their reports respectively, the name or names of the parties interested in each piece or parcel of land and buildings or other property taken, and the name or names of the owners or occupants of each piece of land assessed for benefit as said names may appear in the office of the commissioner of taxes; and all assessments for benefit and taxes so made, shall be liens upon the land in regard to which they shall be made, notwithstanding any error in the name of the parties interested, owner, or owners or occupant, the same as if such name were correct; and it shall not be lawful for the said commissioners in any proceeding pending or to be commenced for the purposes aforesaid, in pursuance of this act or any special or other act in relation to streets, avenues, boulevards or parks, to include or allow any sum whatever in the assessment of the expenses of the improvement for searches or abstracts of title. And if in any case such searches shall be necessary, it shall be the duty of the attorney and counsellor of the city to make them, by virtue of his office as by this act provided, and in such case the statutory fees of the register of the county of Kings therein, may be allowed and no more.

§ 18. Section seventeen of said title four is hereby amended so as to read as follows:

§ 17. The commissioners of estimate and assessment, to be appointed as aforesaid, shall be allowed three dollars each for each and every day actually and necessarily employed about their duties, not exceeding for the three commissioners collectively, the sum of two hundred dollars; and such compensation and the expense of said map, and the costs and fees of the attorney and counsellor, as hereinafter provided, with the disbursements paid to the register of the county of Kings for his fees as fixed by law, and the fees of the clerks of the court for any services required by the provisions of this title, shall be estimated as a part of the expenses of the improvement, and no other expenses besides the amount awarded for damages than those herein specified, shall be included in any assessment.

§ 19. Section twenty-eight of said title four is hereby amended so as to read as follows:

§ 28. The mayor shall nominate and by and with the consent of two-thirds of all the city supervisors convened in meeting duly notified, appoint on or before the tenth day of January, one thousand eight hundred and sixty-three, and every third year thereafter, five assessors, no two of whom shall be residents of any one ward, and at least two of whom shall be residents of the eastern district of said city, who shall perform, under the direction and supervision of the said commissioner of taxes, the duties



heretofore performed by the assessors of the several wards of said city, and by this or any other act required of them; and shall have all the power of assessors of the different towns of this State. The assessors first appointed under this act shall hold their office for the term of one, two, three, four and five years respectively. All subsequent appointments shall be for the term of five years, except where vacancies occur by death, resignation or inability to serve, and such appointments shall be for the balance of the unexpired term. The commissioner of taxes shall, for the purpose of determining which of the persons first appointed shall serve for such terms respectively, within ten days after their appointment, notify them to attend at his office, and in the presence of the persons so appointed who shall attend, proceed to choose by lot, and in that manner determine which of said assessors shall serve for the terms aforesaid respectively. He shall within twenty-four hours thereafter file in the office of the county clerk a certified statement of such fact. The said assessors shall, together, constitute a board of assessors. Should such assessors or any of them, by reason of sickness or other inability, be unable to perform the duties required of them by this act, the mayor by and with the consent of two-thirds of all the city supervisors convened as aforesaid, shall appoint other persons in their stead, who shall hold their offices for the balance of the term of the persons so superseded. The terms of the assessors now in office shall continue till the first day of January, one thousand eight hundred and sixty-three, and all of them shall then expire.

§ 20. Section thirty of said title four is hereby amended so as to read as follows:

§ 30. All assessments of land for taxes for general purposes, or for benefit from local improvements shall refer to the ward maps, when they shall exist, and where a portion of any lot or piece of land shall be taken for any improvement, the residue thereof shall be deemed to be held for any assessment previously laid thereon remaining unpaid. In case ward maps do not exist for any ward or wards, the common council shall as soon as in their judgment it is advisable, direct the same to be made.

§ 21. Section thirty-one of said title four is hereby amended by adding thereto as follows:

It shall be the duty of the said assessors to attend during such examination and review and correct said rolls as may be just and proper. The commissioner of taxes shall cause copies of such corrected rolls of each ward of said city respectively, to be made out, and after being duly sworn to by at least two of the assessors, according to the oath provided by law in regard to assessment rolls in the different towns of this State, and further to the effect that they have together personally examined within the year past, each and every lot or parcel of land, house, building or other assessable property within the ward, to be delivered to the board of supervisors of the county of Kings, which board shall proceed thereon in the manner required by law for the laying and collecting of taxes.

§ 22. The commissioner of taxes shall have power to apportion between the different owners of any piece or parcel of land, any tax or assessment for benefit remaining unpaid thereon, upon receiving an affidavit showing the true limits and extent of each interest; but such apportionment shall not be effectual unless the same be certified to the collector of taxes and assessments, and a minute thereof duly entered on the original tax or assessment lists, and if returned as unpaid, also on the account of unpaid taxes in his office. The amount so apportioned shall be liens upon the pieces of land and property to which they shall be apportioned respectively, the same as if they had been originally so taxed or assessed.

§ 23. The commissioner of taxes shall have power to rectify any errors committed in the laying of any tax or assessment, as well for the general purposes of said city as for any local improvement therein, in the following cases :

1. When the error is entirely clerical.
2. When the mistake is in the name of the party taxed or assessed.
3. When the quantity of the real estate or nature of the buildings thereon shall be erroneously given.
4. When the personal estate shall be over-estimated, and the party assessed shall have been absent from the city for the thirty days the books shall have been open for examination and correction. Such power can be exercised only upon the application of the aggrieved party or his agent, supported by an affidavit setting forth the facts, and no correction shall be valid until it shall be certified to the collector of taxes and assessments, and duly entered on the original tax or assessment list in his office.

§ 24. Any person who shall, by reason of being erroneously taxed or assessed, pay a tax or assessment for benefit upon real estate in said city, belonging to another person or persons, shall be entitled to receive the same back from the collector of taxes and assessments, at any time before the expiration of the warrant of such collector, provided no change shall have been made in the title or ownership of such real estate subsequently to the levying of such tax or assessment for benefit; and in case of such repayment, the collector shall correct the tax or assessment list, noting the facts therein, and such corrected tax or assessment shall be a valid lien upon the land, the same as if it had not been erroneously paid. After the expiration of the time of the warrant of the collector without repayment by him, or in case of any change of title or ownership, as aforesaid, the person so erroneously paying a tax or assessment as aforesaid, shall have a right of action to recover, in any court having jurisdiction of the amount, from the party owning the real estate at the time of levying such tax or assessment, the sum which he shall have paid erroneously as aforesaid.

§ 25. Section six of title five of said act of incorporation is hereby amended by adding the following thereto :

It shall not be necessary for the collector to call upon the persons taxed, in the annual tax rolls, or at their place of residence, and demand the taxes, in cases where such taxes are for real estate ; nor shall it be necessary for him to levy any such tax upon real estate by distress and sale of the goods and chattels of the persons who ought to pay the same ; but he shall, upon receiving such annual tax rolls, cause a notice to be published for thirty days in all the public newspapers of the said city, that the said tax rolls have been completed and delivered to him for the purpose of collecting the taxes mentioned therein, and that all taxed persons are required to pay their taxes at his office, in the city hall, without delay, under the penalties of the law. He shall annex to such notice and publish therewith, a copy of the fourteenth section of this title.

§ 26. Section eight of said title five is hereby amended by inserting "three" instead of "five" as the percentage to be added and included in every tax and assessment, for benefit for the expense of collection.

§ 27. Section fifteen of said title five is hereby amended so as to read as follows :

§ 15. If any of the taxes mentioned in the assessment rolls annexed to the warrants from the board of supervisors shall remain unpaid at the expiration of one hundred and eighty days from the time said assessment rolls shall be delivered to the collector, and he shall not be able to collect the same, he shall deliver to the county treasurer an account of the taxes so

remaining due, with an affidavit that the same is a true account of the taxes remaining unpaid, and that he has not been able, upon diligent inquiry, to discover any goods and chattels belonging to, or in possession of the persons charged in said rolls for personal taxes, whereon to levy the amount of such personal taxes; he shall be credited by the county treasurer with the amount thereof, and if any of the assessments, mentioned in the assessment rolls annexed to the warrants from the common council, for the collection of assessments for benefit, shall remain unpaid at the expiration of the said one hundred and twenty days, and he shall not be able to collect the same, he shall deliver to the comptroller of said city an account of the assessments so remaining due, with an affidavit as hereinafter mentioned.

§ 28. Section twenty-six of said title five is hereby amended so as to read as follows:

§ 28. If any such tax for general purposes or assessment for benefit for local improvements shall remain unpaid on the day specified in said notice, the collector shall proceed to sell by public auction, at the city hall of said city, the property on which said tax or assessment for benefit shall have been imposed, for the lowest term of years for which any person will take the same, and pay the amount of such tax or assessment for benefit, with the interest and expenses, and he shall continue the sale from time to time until all such lands shall be sold. The collector shall make it an absolute condition with all persons purchasing at such sale, that payment be made (within forty-eight hours) after the close of the sale each day, and it will not be sufficient for him to receive any sum or sums in part, but all moneys received by him must be in full payment of the tax or assessment for benefit together with the interest and expenses which shall have accrued thereon at the date of sale. Any neglect, failure or refusal on the part of any purchaser or purchasers to comply with this condition (which shall be read by the collector at the time of commencing the sale each day,) shall render such sale void and of no effect; and it shall be the duty of the collector, on the first day to which the sale shall have been adjourned, to re-sell the same for the lowest term of years for which any person will take the same and pay the amount of such tax or assessment for benefit, with the interest and expenses thereon, and until such re-sale has been effected any person owning such property shall have the right to redeem the same as though no sale had been made. Any collector who shall, knowingly, for any purpose whatever, make or cause to be made, any false record in relation to the terms of sale, or any false record of the transactions at such sales, or shall refuse to allow the person or persons entitled to redeem any property so sold, to redeem the same as herein provided, shall in addition to the forfeiture of office be deemed guilty of a misdemeanor. The collector shall deliver to the purchaser complying with the terms of any such sale a certificate of such sale, and note the same on the account of unpaid taxes or assessments for benefit, as the case may be transmitted to him by the county treasurer or comptroller, and also on the original tax or assessment rolls, and on the abstracts hereinbefore directed to be kept in his office; such certificate of sale shall be recorded in the collector's office, in proper books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands shall have any effect until notice of the same, with the name and residence of the assignee, shall be filed in the office of the collector of taxes and assessments.

§ 29. Section twenty-seven of said title five is hereby amended so as to read as follows:

§ 27. No owner whose deed, or in case he holds such property by descent or devise, the deed of his ancestor or devisor shall have been duly recorded in the office of the register of the county of Kings, before the sale thereof for any tax or assessment for benefit, and no mortgagee, lessee or assignee of either, whose mortgage, lease or assignment shall have been so recorded, shall be divested of his rights in such property by reason of such sale, unless six months notice in writing of such sale shall have been given by the purchaser or those claiming under him to such owner, mortgagee, lessee or assignee personally, if a resident in the county of Kings or a county adjoining thereto; or if such owner, mortgagee, or lessee be not such resident, then by depositing such notice in one of the post offices of said city directed to the owner, mortgagee, lessee or assignee, at his place of residence as stated in the deed, lease, mortgage or assignment of such mortgage or lease.

§ 30. Section twenty-nine of said title five is hereby amended so as to read as follows :

§ 29. The owner, mortgagee or other person interested in such land, may at any time within two years after the sale thereof, for any unpaid tax or assessment for benefit, and before the expiration of the notice mentioned in section twenty-seven of this title, redeem said lands by paying to the collector of taxes and assessments for the use of the purchaser thereof, or his assigns, the said purchase money, together with any subsequent assessment for benefit or tax, which the said purchaser may have paid, chargeable on said land, and which he is hereby authorized to pay, provided a notice of such payment shall have been filed in the office of the collector of taxes and assessments, with interest at the rate of fifteen per cent. per annum in addition thereto, and also two dollars for each notice given to any owner, mortgagee or lessee of a longer term than three years, provided due proof of such service shall have been filed in said office. The certificate of such collector acknowledging the payment and showing what land, and on account of what tax or assessment for benefit such payment is intended to redeem, shall be evidence of such redemption. Such redemption shall discharge the land described in said certificate from the lien created by the assessment for benefit of tax, in respect of which such sale shall have been made, or by such sale or certificate.

§ 31. Section thirty-two of said title five is hereby amended so as to read as follows :

§ 32. The said collector shall note on the account of unpaid taxes, and also upon the original tax or assessment roll, or copy thereof in his office, all payments made to him after any account of unpaid taxes or assessments for benefit, shall be sent back to him by the county treasurer or comptroller as aforesaid; and if any sale shall be made he shall also, in like manner, note that fact; and also, any redemption or assignment of which he shall receive the notice hereinbefore required, and the memorandum of payment on any return of unpaid taxes, or abstract of assessments for benefit, or copy thereof, in the office of the collector, shall be sufficient evidence of such payment. He shall also forthwith, upon receiving the same, render to the treasurer of the city, an account of the proceeds of any sale for unpaid assessments for benefit, and of any moneys received or collected by him that may be paid to such treasurer, and at the same time pay over the said moneys received by him. And the said collector shall also render to the treasurer of the county an account of the proceeds of any sale for unpaid taxes, and of moneys received or collected by him that may be paid to such treasurer, and at the same time pay over said moneys received by him.

§ 82. Section thirty-three of said title five is hereby amended so as to read as follows:

§ 83. The collector shall execute to the purchaser, or his assigns, pursuant to the terms of sale, when the lands sold for any tax or assessment for benefit shall not have been redeemed as by this act provided, a proper conveyance of the lands so sold by him. Said conveyance shall contain a brief statement of the proceeding had for the sale of said land, and shall be evidence that such sale and other proceedings have been regularly made, and had according to the provisions of this act. He shall, also, forthwith note the same on the account of unpaid taxes, or abstract of assessments for benefit, or copy thereof kept in his office. The grantee named in said conveyance, his representative and assigns, shall be entitled as against all persons whomsoever to the possession of said premises, and to the rents, issues and profits thereof, pursuant to the terms of his or her conveyance, and shall be entitled to obtain possession of the lands described in such conveyance, by summary proceedings, in the same manner as is provided by law for the removal of persons who hold over or continue in possession of real estate sold by virtue of an execution against them.

§ 83. In place of the provisions of title six of said act of incorporation in regard to "the day and night police department," the said title six shall hereafter read as follows:

#### OF CONTRACTS.

1. The mayor, comptroller, street commissioner, collector of taxes and assessments, and when elected as by this act provided, the commissioner of taxes, shall constitute a board to be known as the board of contracts of said city. A majority of such officers present at any meeting regularly called, according to the by-laws to be adopted by said board, shall constitute a quorum for the transaction of business. The mayor, or in his absence such member of the board as the members present at any meeting thereof shall appoint, shall preside thereat. The said board shall keep a record of all its acts and proceedings, and for that purpose the city clerk shall be the clerk thereof.

2. All acts, orders, resolutions, ordinances, or other proceedings of the common council, involving any expenditures of money, or any liability on the part of the city to pay money, except for salaries, or for its own use, as hereinafter mentioned, shall be sent to the said board of contracts for execution, and it shall not be lawful for the common council to expend other than for salaries out of moneys previously raised by tax and in the treasury for such purpose, or to authorize or empower any member or committee of its own body, or any body or person whatsoever, other than the said board of contracts, to expend any moneys in the treasury, except such sum, if any, as may be previously raised by tax and in the treasury for the specific use of the common council. Nor shall the common council be able to bind or render liable the city to pay any moneys, other than for salaries, and its own use as aforesaid, except through the board of contracts, as by this title provided.

3. All contracts, agreements, or liabilities, in the nature of contracts, by which the city shall be held liable to pay money, whether for the general expenses of the city or for local improvements, or otherwise, however, except for salaries and the purposes of any specific fund of the common council as aforesaid, shall be made by the board of contracts, in pursuance of resolutions, orders or ordinances of the common council, or provision of law (except as in the next section of this title provided) directing the work, labor, services, materials, supplies, repairs, buildings, fire engines, hose carriage, or other articles to be done, obtained, or constructed, or the

title in fee, use or occupation of any real estate to be had, as the case may be; and all proposals for such work, labor, services, materials, supplies, repairs, buildings, fire engines, hose carriages, or other articles, title in fee, use or occupation of real estate, shall be made to, and determined by the said board of contracts. All contracts for work, labor, material, repairs or supplies, involving an expense of more than one hundred dollars, shall be entered into with the lowest responsible bidder, after publication for proposals therefor, for ten days, unless the exigency of the case require a shorter time, in the corporation newspapers. It shall not be lawful for the said board of contracts to enter into any contract or agreement, or to incur any liability on the part of the city, unless the money shall have been previously appropriated and raised therefor, and in the treasury, except for local improvements and for objects the expense of which is to be raised by local assessment.

4. All contracts and agreements for blank books and stationery, fuel and other supplies of a consumable and indispensable character for the public offices, courts, station houses, engine houses, and other public buildings, may be made by the said board of contracts without any order of the common council, as the public exigencies shall require, under the restrictions in the preceding section of this title provided.

5. No contract for supplies of any kind shall be made for a longer period than one year.

6. The provisions of this title shall not apply to the water and sewerage department.

7. All repairs of public buildings, wharves and piers belonging to the city, and of streets, fire engines and other property of the city, may be ordered by the board of contracts without the order or resolution of the common council, in cases where the entire expense of such repairs for any one object shall not exceed fifty dollars; but in no case whatever, unless the money to pay therefor shall have been appropriated and in the treasury, and the nature and cost of such repairs shall be first submitted to said board. Repairs of fire engines, hose carriages, engine houses and other property appropriated to the use of the fire department, shall be superintended by the chief engineers of such department for their respective districts, under the direction of the said board of contracts, in pursuance of resolutions of the common council, where the cost of such repairs shall exceed fifty dollars, and of the order of said board of contracts in cases not exceeding that amount, as aforesaid.

§ 34. Section twenty of title six of said act is hereby kept in force, and shall form section eighteen of title eleven of said act of incorporation.

§ 35. Section nine of an act entitled "An act relative to local improvements in the city of Brooklyn," passed April eleventh, eighteen hundred and sixty-one, is hereby amended by adding thereto the following words: "But no such bonds shall be issued for any certificate or certificates issued upon any illegal or irregular assessment which has been or may be declared invalid or which is in contest.

§ 36. Section two of title ten of said act of incorporation is hereby amended so as to read as follows:

§ 2. The said accounts shall be distributed in four distinct classes. The first of said classes shall embrace all such expenditures as are to be made out of moneys raised by general tax, and shall be called the general fund; the second, such as are to be made out of money raised by special or local assessment, and shall be called the special fund; the third shall consist of accounts of the sinking fund; and the fourth shall consist of the revenues of the city from other sources than taxation, to be called the revenue fund.

And no money raised or received for the use of one of said funds, shall be at any time used for the purposes of either of the other of said funds, except as in the next section provided.

§ 37. Section three of said title ten is hereby amended so as to read as follows :

§ 3. The accounts of the general fund shall always exhibit the receipts and expenditures on account of each purpose or appropriation for which the general tax shall be levied in each year, and no receipt or expenditure of money shall at any time be charged or credited to any other than its appropriate account. The accounts of the special fund, in addition to the general account thereof, shall at all times exhibit the accounts received and paid under each item composing said fund, with the amounts received and paid for interest on each. The sinking fund account shall exhibit the amounts received and paid on account thereof, specifying from what sources they shall have been received, together with the amount and description of securities belonging to said fund. The revenue fund shall exhibit all the moneys paid into the city treasury for collectors' fees, default and interest for the non-payment of taxes, costs and fees of the attorney and counsel, in opening, widening or extending streets, avenues and squares, or other proceedings for taking private property for public purposes, balance of advertising fees after paying the actual expenses of advertising, the balance of inspectors' fees, licenses, fees to city after paying the actual expenses of advertising officers or appointees, fees and fines from the police and justices' courts, penalties for violation of city ordinances, rents and proceeds of sale of any property of the city, interest on deposits in bank, and all revenues of the city whatsoever from other sources than taxation, and shall also exhibit the payments made on account of any judgments against the city as herein provided. The revenue fund shall be kept inviolate, except for the payment of such judgments and the amount thereof standing on the first day of June in each year shall be deducted from the amount otherwise necessary to be raised by tax for the expenses of the city for the next fiscal year, and shall be transferred and charged to the general fund and applied accordingly. All bonds and other securities belonging to the sinking fund shall be endorsed as follows : "The property of the sinking fund of the city of Brooklyn, transferable from said fund only by written order of the mayor, comptroller and treasurer of said city, the commissioners of said fund." Any transfer without such order of any bond so endorsed shall be null and void.

§ 38. The amount of any judgment recovered against and payable by said city and remaining unpaid, with the interest due and to become due thereon, shall be included by the mayor, in his first statement, after the same shall become payable, to the joint board of aldermen having the shorter time to serve, and city supervisors ; and such amount shall be raised in the next levy of taxes for the expenses of said city. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the moneys so raised shall be paid into the treasury and payments of said judgments refused by the financial officers of the city, no execution shall issue against the said city, unless the amount of such judgments shall not have been included in the statement of the mayor, or in the tax levy, as aforesaid. Provided, nevertheless, if there be any moneys in the treasury to the credit of the fund derived from the revenues of the city other than taxation, sufficient to satisfy said judgments, the common council shall direct the payment therefrom of said judgments, in the order of their recovery.

§ 39. The city of Brooklyn shall not be liable in damages for any non-

feasance or misfeasance of the common council or any officer of the city or appointee of the common council, of any duty imposed upon them, or any or either of them, by the provisions of titles four and five of this act, or of any other duty enjoined upon them, or any or either of them, as officers of government, by any other provision of this act; but the remedy of the party or parties aggrieved for any such nonfeasance or misfeasance shall be, by mandamus or other proceeding or action, to compel the performance of the duty, or by other action against the members of the common council, officer or appointee, as the rights of such party or parties may by law admit, if at all.

§ 40. The common council of said city and the members thereof are hereby declared to be trustees of the property, funds and effects of the corporation hereby created; and the aldermen of the city of Brooklyn are hereby declared to be trustees of the property, funds and effects of their respective wards, so far as such property, funds and effects, in or derived from their respective wards, are or may be committed to their management or control respectively by the said act of incorporation or the acts amendatory thereof; and every person residing in said city or in any ward, and assessed to pay the taxes therein, who shall pay taxes therein, is hereby declared to be a cestui que trust in respect to the said property, funds and effects respectively; and any co-trustee, or any such cestui que trust, shall be entitled, as against such trustees, and in regard to such property, funds and effects, to all the rights and remedies provided by law of any co-trustee or cestui que trust to prosecute and maintain any action to prevent waste and injury to any property, funds or estate held in trust. Such trustees are hereby made subject to all the duties and responsibilities imposed by law upon trustees, and such duties and responsibilities may be enforced by any co-trustee or cestui que trust aforesaid.

§ 41. All streets and avenues in said city which have been or may be thrown out to public use, and have been or may be used as such for five years continuously, shall be deemed and taken to be public streets and avenues; and the city of Brooklyn and the common council, and the water commissioners thereof, shall have all jurisdiction and power in respect thereto, the same as if such streets and avenues had been or shall be opened by proceedings had for that purpose, under the provisions of this act.

§ 42. The office of commissioner of repairs and supplies and all offices dependent upon it, shall cease and be abolished from and after the first day of May, one thousand eight hundred and sixty three; and the powers and duties of that office as now established and not modified by this act, shall on and after that day be exercised by the street commissioner, except that the said street commissioner shall have power to appoint, with the consent of the common council, only a foreman of repairs and supplies in addition to the appointments now authorized to be made by him.

§ 43. The provisions of the act entitled "An act in relation to frauds in assessments for local improvements in the city of New York," passed April seventeenth, eighteen hundred and fifty-eight, are hereby extended and made applicable to the city of Brooklyn, and to the proceedings relative to any assessment or assessments for local improvements made or to be made therein.

§ 44. The aldermen of each ward shall appoint so many lamp-lighters as may be designated for his ward.

§ 45. Section five of title two of said act of incorporation is hereby repealed; and all contracts for cleaning streets and repairing wells and pumps shall be made by the board of contracts, and the expense thereof shall be as heretofore a charge upon the wards respectively, each for the cleaning of



its own streets and repairing its own wells and pumps. Every contract for cleaning streets shall be subject to the powers of the board of health created or to be created in or over said city, and a clause to this effect shall be inserted in the advertisements for proposals, and also in the contract.

§ 46. No member or officer of the common council or board of contracts, or any city or ward officer, whether elected or appointed, or supervisor of said city, shall be directly or indirectly interested in any contract or agreement made by or with the said board of contracts, or in the proceeds or profits of any such contract, nor in furnishing said city for hire or pay, any work, labor, materials or supplies, or any article or service of any kind whatsoever ordered by said board of contracts; nor shall he take or receive any money, article, thing, advantage or promise thereof, as consideration for any vote or act in his official capacity, or for making and consenting in such capacity to any award of any contract, or to any appointment for office or place. Any person offending against the provisions of this section, shall be deemed guilty of felony, and upon conviction, shall be punished by imprisonment in the State prison for a term not less than three nor more than five years. All contracts made in violation of this section shall be void.

§ 47. Each alderman shall be entitled to receive three dollars for each meeting of the common council or committee of the common council he may attend, provided the aggregate sum which any alderman shall receive for any year shall not exceed five hundred dollars, and provided his attendance in common council be certified by the city clerk, and on committees by the chairmen thereof respectively.

§ 48. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 49. This act shall take effect immediately.

Mr. Smith moved that the Senate concur in said amendments, except as to that portion numbered section 47, in the words following, to wit: in which Mr. Smith moved that the Senate non-concur.

"§ 47. Each alderman shall be entitled to receive three dollars for each meeting of the common council or committee of the common council he may attend, provided the aggregate sum which any alderman shall receive for any year shall not exceed five hundred dollars, and provided his attendance in common council be certified by the city clerk, and on committees by the chairmen thereof respectively."

Mr. Murphy called for a division of the question.

The President put the question whether the Senate would agree on concurrence in said amendments except as to that portion numbered section 47, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Ramsey	Tobey
Bradley	Freer	Montgomery	Richards	Willard
Connolly	Ganson	Murphy	Robertson	Woodruff
Cook	Little	Pruyn	Smith	Young
Cornell				

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The President then put the question whether the Senate would agree to so much of said motion of Mr. Smith as relates to non-concurrence in that portion of said amendment numbered section 47, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Little	Pruyn	Robertson	Tobey
Cook	Montgomery	Richards	Smith	Young
Folger	Munroe			

19

FOR THE NEGATIVE.

Bradley	Cornell	Ganson	Murphy	Willard	
Connolly	Freer	Low	Ramsey	Woodruff	10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, except as to that portion numbered section 47, in which portion of said amendments the Senate non-concur.

The hour of fifteen minutes to two having arrived, the President announced that the Senate would take a recess until 7 o'clock this evening.

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SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Munroe presented a remonstrance of Julius Wood, of Columbus, Ohio, against the passage of the act relating to actions upon premium notes given to Mutual Insurance companies, which was read and laid on the table.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being local bills on the general orders, entitled as follows :

"An act to compensate bona fide purchasers of wild lands in Sullivan county for improvements made thereon."

"An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855."

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

After some time spent therein, the President resumed the chair, and Mr. Richards, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Richards, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the town of Manheim to raise moneys to reimburse expenditures for volunteers in the service of the United States," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing to Paul Bresson the interest of the State of New York to certain real estate in the city of Brooklyn," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of James Irving and to legalize and confirm in him the title to certain real estate and premises in the city of Rochester, acquired by deed from Hugh McGowan, an alien," with power to report complete, reported that they have made sundry amendments thereto, and have also amended the title, as follows : "An act for the relief of James Irving and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by him by deed from Hugh McGowan, an alien," and as amended,

report the same complete and recommend its passage, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Hutchinson presented two remonstrances of ministers and members of the Methodist Episcopal church, against any change in the manner of electing trustees of the Genesee Camp Ground Association, which were read and referred to the committee on the judiciary.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the bill entitled "An act in relation to the First Congregational church and society of Moravia," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union Railroad company, due first of January 1863, as shall not be covered by money on hand for that purpose," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to incorporate the firemen of the city of Schenectady and for other purposes," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to alter the commissioners' map of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed February 17, 1848."

On motion of Mr. Murphy, the Senate adjourned.

## SATURDAY, MARCH 22, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Selkirk.

The journal of yesterday was read and approved.

Mr. Pruyn presented a petition of Alexander Walmsley, for the passage of an act authorizing him to convey lands, which was read and referred to the committee on the judiciary.

Mr. Murphy presented two remonstrances of citizens of Brooklyn, against repeal of act in relation to park and parade ground in said city, which were read and referred to the committee on cities and villages.

Mr. Connolly presented a memorial of citizens of New York, that the holders of real estate under encumbrances of mortgage shall be allowed the same means of relief from taxation on their indebtedness thereby, as is allowed to the holders of personal property on their debts, which was read and referred to the committee on the judiciary.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act in relation to plankroads and turnpike roads."

"An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk in the county of Herkimer."

"An act to declare the village of Belleville a separate road district."

"An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861."

"An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857."

"An act to incorporate the Neversink river plankroad company and to authorize the issuing and holding of certificates of stock therein."

"An act to incorporate the Homeopathic Medical society of the State of New York."

"An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others whenever a portion of the pavement is temporarily removed."

Also the following Assembly bills:

"An act to amend the charter of the *Ætna* Fire Insurance company of New York."

"An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county."

"An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond."

"An act to amend an act entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,' passed April 10, 1852."

"An act to authorize the city of Troy to raise money by tax and to borrow money."

"An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

"An act to amend an act entitled 'An act authorizing the supervisors of

certain towns of Chautauqua and Cattaraugus counties to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1855."

"An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond."

"An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Freer, from the committee on medical societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Troy to raise money by tax and to borrow money," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,' passed April 10, 1852," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act for the better protection of roads and bridges in Saratoga Springs," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for the better keeping highways in repair in the town of Seneca, in the county of Ontario," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Neversink river plankroad company, and to authorize the issuing and holding of certificates of stock therein," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was refer-

red the bill entitled "An act to declare the village of Belleville a separate road district," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to plankroads and turnpike roads," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal section 1 of chapter 48 of Laws of 1851, and chapter 415 of Laws of 1853," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was recommitted the bill entitled "An act supplemental and amendatory to an act entitled 'An act to suppress intemperance and to regulate the sale of intoxicating liquors,' passed April 16, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to regulate the sale of poisons,' passed April 16, 1860."

"An act to amend the charter of the Schenectady Fire Insurance company, and to change its name."

"An act to dissolve the First Society of United Christian Friends called Restorationists."

"An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian Church in the United States of America."

"An act to incorporate the American Missionary Association."

"An act to compensate bona fide purchasers of wild lands in Sullivan county for improvements made thereon."

"An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861."

"An act to incorporate the Starr Institute."

"An act to authorise the city of Brooklyn to issue bonds in payment of moneys borrowed for the equipment of volunteers and militia for the present war, and the support of their families."

"An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and of the several acts amendatory thereof, so far as relates to the village of Middletown in the county of Orange."

"An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860."

"An act to authorize the West Winfield bank to reduce its capital stock."

"An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards and surrogate courts,' passed May 16, 1837."

"An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act, passed April 13, 1857.'"

"An act to authorize the town of Manheim to raise moneys to reimburse the expenditures of volunteers in the service of the United States."

Mr. Munroe, from the select committee, appointed at the last session, consisting of Messrs. Grant, P. P. Murphy and Munroe, to investigate certain charges against New York Harbor Masters, made a supplemental report in writing, which was laid on the table and ordered printed.

(See Doc. No. 82.)

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize attorneys of the Supreme Court of this State, residing in adjoining States, to practice in the courts of this State," reported in favor of concurring in the amendments of the Assembly thereto.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Richards
Bradley	Folger	Hutchinson	Murphy	Robertson
Clark	Freer	Low	Pruyn	Willard
Connolly	Ganson	Montgomery	Ramsey	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Bradley asked and obtained leave to introduce a bill entitled "An act to amend the charter of the Excelsior Fire Insurance company in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the International Bridge company, passed April 17, 1857,' and the several acts amendatory thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson
Bradley	Folger	Hutchinson	Murphy	Willard
Clark	Freer	Low	Pruyn	Young
Connolly	Ganson	Montgomery	Ramsey	

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to incorporate the Starr Institute," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson	
Bradley	Folger	Hutchinson	Murphy	Willard	
Clark	Freer	Low	Pruyn	Young	
Connolly	Ganson	Montgomery	Ramsey		19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act to amend the charter of the Schenectady Fire Insurance company, and to change its name," having been announced—

Mr. Ramsey moved that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Robertson	
Bradley	Cook	Low	Ramsay	Willard	
Clark	Freer				12

FOR THE NEGATIVE.

Folger	Ganson	Hutchinson	Montgomery		4
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Said bill not having received the Constitutional vote was laid aside.

On motion of Mr. Willard—

*Resolved*, That the chamberlain of the city and county of New York, the county treasurers of the several counties of this State, and the clerks of the respective counties thereof, on or before the first day of December next, furnish to the Clerk of this Senate, at his office in Albany, for the use of the Senate, a statement of all the moneys and securities in their possession or under their control, held by them respectively in trust by virtue of the order of any court, or by the direction of any statute, except such as is held by them as public administrators of their respective counties. That the Clerk of the Senate transmit by mail or otherwise, within one month after the adjournment of the Legislature to each of the persons above named a printed copy of this resolution, duly certified by him.

Mr. Murphy moved that the bill entitled "An act to incorporate the New York Commercial Association," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Munroe moved that when the Senate adjourns it adjourn until Monday evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Abbott—

*Resolved*, That the Sergeant-at-Arms be directed to procure from the printer and cause to be placed upon the files, at the earliest practicable moment, Senate Document No. 10.



The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act respecting the powers and duties of the boards of supervisors and proceedings against them."

"An act for the protection of bridges belonging to the State or under its control."

"An act to incorporate the New York Commercial Association."

After some time spent therein, the President resumed the chair, and Mr. Pruyn, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Pruyn, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Ganson moved that said bill be referred to the first committee of the whole, on Monday evening.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburg and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same," with a message that they insist upon that portion of their amendments to said bill non-concurred in by the Senate, and request a committee of conference, and had appointed as such committee on their part the delegation from the county of Kings.

Mr. Murphy moved that the Senate consent to a committee of conference on said bill, and appoint on their part Messrs. Folger, Abbott and Cook, as such committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate consent to a committee of conference.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the construction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Connolly moved that the bill entitled "An act to release the interest of the State in certain land lying outside of high water mark, in Kings county," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bill:

"An act to authorize attorneys of the Supreme Court of this State, residing in adjoining States, to practice in the courts of this State."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Murphy, the Senate adjourned.

MONDAY, MARCH 24, 1862.

SEVEN O'CLOCK P. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of Saturday was read and approved.

Mr. Cook presented two remonstrances of citizens of Oswego, against the bill declaring Oneida Lake a part of the Oneida Lake canal, and imposing canal tolls thereon, which were read and referred to the committee on canals.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7 1847,' so far as relates to the village of Boonville, in the county of Oneida," reported in favor of the passage of the same.

On motion of Mr. Bailey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Robertson
Bailey	Farrar	Low	Pruyn	Smith
Bell	Folger	Montgomery	Ramsey	Willard
Clark	Freer	Munroe	Richards	Young
Connolly	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the petition of Alexander Walmsley for relief, reported by bill entitled "An act for the release of certain lands and real estate of which Thomas Walmsley died seized to Alexander Walmsley," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to improve the Central park in the city of New York."

*Ordered*, That the Clerk return said bill to the Assembly.

A message from the Assembly was received and read, in the words following, to wit:

IN ASSEMBLY, March 22, 1862.

*To the Assembly*: The committee of conference appointed to meet a committee from the Senate on the disagreement between the two Houses on the Assembly amendments to the Senate bill entitled "An act to amend an act

entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto or affecting the same," report :

That the joint committee have agreed to recommend to their respective Houses to adopt the bill as amended in the Assembly, with the further amendment that the act take effect immediately except the 47th section, which shall take effect on the first day of January next.

C. L. BENEDICT,  
S. T. MADDOX,  
R. J. LALOR,  
JAS. DARCY,  
E. McMULLEN.

IN ASSEMBLY, *March 22, 1862.*

*Resolved*, That the Assembly concur in the report of said committee.

By order.

J. P. CUSHMAN, *Clerk.*

The President put the question whether the Senate would agree to the report of the committee of conference, on said bill, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Tobey
Bailey	Folger	Low	Ramsey	Truman
Bell	Freer	Montgomery	Richards	Willard
Clark	Ganson	Munroe	Robertson	Young
Connolly	Hardin	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857."

"An act in relation to plankroads and turnpike roads."

"An act respecting the powers and duties of the boards of supervisors and proceedings against them."

"An act for the protection of bridges belonging to the State or under its control."

"An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof and to consolidate the acts relating thereto."

"An act in relation to the First Congregational Church and Society of Moravia."

"An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861."

"An act to amend and consolidate the several acts relative to the city of Schoenectady."

By unanimous consent, Mr. Connolly asked and obtained leave to introduce a bill entitled "An act to change the name of the Rose Hill Savings bank, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to increase the number of firemen in the village of Rhinebeck,' passed February 6, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The bill entitled "An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 18, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith
Bailey	Farrar	Little	Ramsey	Tobey
Bell	Folger	Low	Richards	Willard
Clark	Freer	Montgomery	Robertson	Young
Connolly	Ganson	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act authorizing the village of Peekskill to borrow money and levy taxes for the payment of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith
Bailey	Farrar	Little	Ramsey	Tobey
Bell	Folger	Low	Richards	Willard
Clark	Freer	Montgomery	Robertson	Young
Connolly	Ganson	Munroe		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act entitled 'An act to regulate the sale of poison,' passed April 16, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Richards	Truman
Bailey	Freer	Montgomery	Robertson	Willard
Clark	Hardin	Munroe	Smith	Young
Connolly	Little	Pruyn	Tobey	

19

## FOR THE NEGATIVE.

Cook	Ganson			
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to dissolve the First Society of United Christian Friends, called Restorationists," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Smith
Bailey	Cook	Little	Pruyn	Tobey
Bell	Farrar	Low	Richards	Willard
Clark	Freer	Montgomery	Robertson	Young

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to incorporate the American Missionary Association," having been announced—

Mr. Truman moved to recommit said bill to the committee on charitable and religious societies.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Cook	Little	Montgomery	Ramsey	Willard	
Ganson	Low	Prun	Truman	Young	10

FOR THE NEGATIVE.

Abbott	Clark	Freer	Murphy	Smith	
Bailey	Connolly	Hardin	Richards	Tobey	
Bell	Folger	Munroe	Robertson		14

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson	
Bailey	Farrar	Little	Murphy	Smith	
Bell	Folger	Low	Prun	Tobey	
Clark	Freer	Montgomery	Richards	Young	
Connolly					21

FOR THE NEGATIVE.

Ganson					1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America," having been announced,

Mr. Truman moved to recommit said bill to the committee on charitable and religious societies, with instructions to amend so as to conform to the provisions of the "Act in relation to wills," passed April 13, 1860, and report the same back forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved to reconsider the vote on the final passage of the bill entitled "An act to incorporate the American Missionary Association."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, a majority of all the Senators elected not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Prun	Truman	
Bailey	Ganson	Montgomery	Ramsey	Willard	
Bell	Little	Murphy	Smith	Young	
Cook					16

FOR THE NEGATIVE.

Clark	Freer	Munroe	Robertson	Tobey	
Folger	Hardin	Richards			8

The bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Pruyn	Smith
Clark	Freer	Montgomery	Ramsey	Truman
Connolly	Hardin	Munroe	Richards	Willard
Farrar	Little	Murphy	Robertson	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer."

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

"An act to alter the commissioners' map of the city of Brooklyn."

"An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855."

"An act to declare the village of Belleville a separate road district."

"An act for the better support of roads and bridges in Saratoga Springs."

"An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for the better keeping highways in repair in the town of Seneca, in the county of Ontario."

"An act to incorporate the Neversink river plankroad company and to authorize the issuing and holding of certificates of stock therein."

"An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 8 of article 7 of the Constitution."

The bill entitled "An act to authorize the West Winfield bank to reduce its capital," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Low	Ramsey	Tobey
Bailey	Folger	Montgomery	Richards	Truman
Bell	Freer	Munroe	Robertson	Willard
Clark	Hardin	Pruyn	Smith	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the Assembly bill entitled "An act for the relief of the Ulster and Delaware plankroad company," having been announced—

Mr. Ramsey moved to recommit said bill to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Murphy	Smith
Bailey	Farrar	Low	Pruyn	Tobey
Bell	Folger	Montgomery	Richards	Willard
Clark	Freer	Munroe	Robertson	Young
Connolly	Hardin			

22

## FOR THE NEGATIVE.

Ramsey

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Pruyn	Smith
Bailey	Folger	Montgomery	Ramsey	Tobey
Bell	Ganson	Munroe	Richards	Willard
Clark	Mardin	Murphy	Robertson	Young
Connolly	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the town of Manheim to raise moneys to reimburse expenditures for volunteers in the service of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Robertson
Bailey	Farrar	Little	Pruyn	Smith
Bell	Folger	Low	Ramsey	Willard
Clark	Freer	Montgomery	Richards	Young
Connolly	Ganson	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize Paul Bresson to take, hold and convey real estate in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Smith
Bailey	Farrar	Low	Ramsey	Tobey
Bell	Folger	Montgomery	Richards	Willard
Clark	Freer	Munroe	Robertson	Young
Connolly	Hardin	Murphy		

23

## FOR THE NEGATIVE.

Ganson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of James Irving, and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by him by deed from Hugh McGowan, an alien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Ramsey	Tobey
Bailey	Farrar	Montgomery	Richards	Truman
Bell	Folger	Munroe	Robertson	Willard
Clark	Hardin	Murphy	Smith	Young
Connolly	Little	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Pruyn	Smith
Bailey	Folger	Montgomery	Ramsey	Tobey
Bell	Ganson	Munroe	Richards	Willard
Connolly	Hardin	Murphy	Robertson	Young
Cook	Little			

22

## FOR THE NEGATIVE.

Truman	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the First Congregational church and society of Moravia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Pruyn	Tobey
Bailey	Ganson	Montgomery	Richards	Truman
Bell	Hardin	Munroe	Robertson	Willard
Connolly	Little	Murphy	Smith	Young
Farrar				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Pruyn	Tobey
Bailey	Folger	Low	Ramsey	Truman



Bell	Freer	Montgomery	Richards	Willard
Connolly	Ganson	Munroe	Robertson	Young
Cook	Hardin	Murphy		23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Firemen of the city of Schenectady, and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Pruyn	Smith
Bailey	Freer	Montgomery	Ramsey	Willard
Connolly	Hardin	Munroe	Richards	Young
Cook	Little	Murphy	Robertson	19

## FOR THE NEGATIVE.

Folger 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Folger	Little	Murphy	Smith
Bailey	Freer	Low	Pruyn	Truman
Connolly	Ganson	Montgomery	Ramsey	Willard
Cook	Hardin	Munroe	Richards	Young
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to alter the commissioners' map of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Freer	Montgomery	Ramsey	Truman
Bailey	Ganson	Munroe	Richards	Willard
Connolly	Hardin	Murphy	Robertson	Young
Folger	Little	Pruyn	Smith	19

## FOR THE NEGATIVE.

Bell 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Munroe	Smith
Bailey	Farrar	Low	Pruyn	Willard
Bell	Freer	Montgomery	Robertson	Young
Connolly	Hardin			

17

FOR THE NEGATIVE.

Richards				
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1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Munroe	Robertson
Bailey	Cook	Low	Murphy	Smith
Bell	Farrar	Montgomery	Pruyn	Willard
Clark	Freer			

17

FOR THE NEGATIVE.

Folger	Ganson	Richards	Young	
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4

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bailey	Clark	Murphy	Richards	Smith
Bell	Connolly	Pruyn	Robertson	Willard

10

FOR THE NEGATIVE.

Abbott	Farrar	Freer	Montgomery	Truman
Cook	Folger	Ganson	Tobey	Young

10

The bill entitled "An act for the better support of roads and bridges in Saratoga Springs," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Murphy	Smith
Bailey	Farrar	Low	Pruyn	Truman
Bell	Folger	Montgomery	Richards	Willard
Clark	Ganson	Munroe	Robertson	Young
Connolly				

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the city of Troy to raise money by tax and to borrow money," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Tobey
Bailey	Farrar	Low	Richards	Truman
Bell	Folger	Montgomery	Robertson	Willard
Clark	Freer	Munroe	Smith	Young
Connolly	Ganson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,' passed April 10, 1852," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Tobey
Bailey	Farrar	Little	Pruyn	Truman
Bell	Folger	Low	Richards	Willard
Clark	Freer	Montgomery	Robertson	Young
Connolly	Ganson	Munroe	Smith	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for the better keeping highways in repair in the town of Seneca in the county of Ontario," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Montgomery	Richards	Truman
Clark	Freer	Munroe	Robertson	Willard
Connolly	Ganson	Murphy	Smith	Young
Cook	Hardin			

22

FOR THE NEGATIVE.

Bell

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Neversink river plankroad company and to authorize the issuing and holding of certificates of stock therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Ramsey	Tobey
Bell	Folger	Munroe	Richards	Truman
Clark	Freer	Murphy	Robertson	Willard
Connolly	Little	Pruyn	Smith	Young
Cook				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to declare the village of Belleville a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Smith
Bailey	Farrar	Little	Pruyn	Tobey
Bell	Folger	Low	Ramsey	Truman
Clark	Freer	Montgomery	Richards	Willard
Connolly	Ganson	Munroe	Robertson	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith
Bailey	Farrar	Little	Ramsey	Tobey
Bell	Folger	Low	Richards	Truman
Clark	Freer	Montgomery	Robertson	Young
Connolly	Ganson	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to plankroads and turnpike roads," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Bailey	Little	Murphy	Richards	Smith
Bell	Low	Pruyn	Robertson	Young
Connolly	Montgomery	Ramsey		

18

FOR THE NEGATIVE.

Clark	Farrar	Ganson	Tobey	Truman
Cook	Folger			

7

Mr. Low moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to repeal section 1 of chapter 48 of Laws of 1851, and chapter 415 of Laws of 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Robertson
Bailey	Farrar	Little	Pruyn	Smith
Bell	Folger	Low	Ramsey	Tobey
Clark	Freer	Montgomery	Richards	Young
Connolly	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The third reading of the bill entitled "An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer," having been announced—

On motion of Mr. Hardin and by unanimous consent, said bill was amended by striking out the word "Winfield" in line 3, section 1, engrossed bill, and inserting in lieu thereof the word "Columbia."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Richards
Bailey	Folger	Little	Murphy	Robertson
Bell	Freer	Low	Pruyn	Smith
Clark	Ganson	Montgomery	Ramsey	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bell offered the following resolutions :

*Resolved*, (if the Assembly concur,) That the Constitution of this State be amended as follows :

The Legislature shall have the power to pass any law prohibiting the sale of intoxicating liquors as a beverage, and in such law may prescribe the necessary fines and penalties for any violation thereof.

*Resolved*, (if the Assembly concur,) That the foregoing amendment, be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolution be laid on the table.

Mr. Ganson offered the following resolution :

*Resolved*, That the resolution appointing the "select committee of nine," passed on the 19th of March, 1862, be and the same is hereby amended by adding thereto the following :

"The said committee shall not report any other than local bills, and shall take up the bills referred to them and consider and report the same in order as they appear on the general orders."

Mr. Bell moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Hardin	Pruyn	Robertson	Tobey	
Bell	Little	Ramsey	Smith	Truman	
Connolly	Low	Richards			18

## FOR THE NEGATIVE.

Clark	Farrar	Freer	Montgomery	Murphy	
Cook	Folger	Ganson	Munroe	Young	10

Mr. Little moved that the bill entitled "An act to amend the charter of the Schenectady Fire Insurance company, and to change its name," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the bill entitled "An act in relation to the Susquehanna Seminary, at Binghamton," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Tobey, from the committee on charitable and religious societies, to which was recommitted the bill entitled "An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America," with power to report complete, reported the same complete, with an amendment, as directed by the Senate, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Cook, the Senate adjourned.

## TUESDAY, MARCH 25, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Campbell.

The journal of yesterday was read and approved.

Mr. Ganson presented a petition of John David Daniel Rosset, for a law to enable aliens to take and hold real estate, which was read and referred to the committee on the judiciary.

Mr. Farrar presented a petition of John C. Nash and others, for the erection of a new ward in the city of Rochester, which was read and referred to the committee on cities and villages.

Also, a remonstrance of Jacob Gould, Wm. A. Reynolds and other citizens of Rochester, against the proposed amendments to the charter of said city, which was read and referred to the committee on cities and villages.

Mr. Smith presented three remonstrances of citizens of Brooklyn, against the repeal of the act widening Fourth avenue in said city, which were read and referred to the committee on cities and villages.

Mr. Ramsey presented a petition of citizens of Otsego county, for the repeal of the act exempting ministers of the gospel from taxation, which was read and referred to the committee on the judiciary.

Mr. Murphy presented four remonstrances of citizens of Brooklyn, against repeal of the act widening Fourth avenue in said city, which were read and referred to the committee on cities and villages.

Mr. Pruyn presented three remonstrances of inhabitants of the town of Bethlehem, against laying out a street along the south bounds of the city

of Albany, which were read and referred to the committee on cities and villages.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to repeal the act entitled 'An act to widen Main street in the city of Brooklyn, passed April 13, 1861, and to provide for the expenses incurred under the same.'

"An act to alter the map of the late village of Williamsburgh now part of the city of Brooklyn."

"An act to incorporate the fire department of the village of Owego."

Also the following Assembly bills:

"An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union railroad company, due first of January, 1863, as shall not be covered by money on hand for that purpose."

"An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river at Clarissa street, in said city."

"An act to constitute the village of Lowville, in the county of Lewis, a separate road district."

"An act to authorize the Port Henry Iron Ore company of Lake Champlain to borrow money by mortgage on their real estate in Essex county."

"An act to authorize the poormasters of the town of Gorham, in the county of Ontario, to convey certain lands for cemetery purposes,"

"An act to amend an act entitled 'An act to perpetuate the evidence of the death of Nicholas Van Staphorst and others, passed May 13, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to perpetuate the evidence of the death of Nicholas Van Staphorst and others, passed May 13, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the Port Henry Iron Ore company of Lake Champlain to borrow money by mortgage on their real estate in Essex county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the poormasters of the town of Gorham, in the county of Ontario,

to convey certain lands for cemetery purposes," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Richards, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Adden Bardin, Geo. Hahn, Nathaniel P. Osborn and John Fabrig, for canal damages," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Smith, from a majority of the committee on medical societies, to which was referred the bill entitled "An act to incorporate the Homeopathic Medical Society of the State of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to repeal the act entitled 'An act to widen Main street in the city of Brooklyn, passed April 13, 1861,' and to provide for the expenses incurred under the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to alter the map of the late village of Williamsburgh now part of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union railroad company, due first of January 1863, as shall not be covered by money on hand for that purpose," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river at Clarissa street, in said city," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Ramsey, from the committee on literature, to which was referred the Assembly bill entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number 4, in the town of Greene, Chenango county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, Westchester county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills:

"An act to change the name of Jeremiah Truman Brown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to the support and custody of indigent insane persons of the county of Genesee," which was read the first time, and by una-



nimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act relative to the printing of the calendars of causes in the several courts of record in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act in relation to John Lent's cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act in relation to the compensation of the superintendent of common schools in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act requiring the highway tax of the New York Central railroad company through the town of Mentz to be applied to the repairs of certain highways in the said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to incorporate the New York State Convention of Universalists," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron and to authorize the corporation to elect nine trustees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the establishing academical departments in the different 'Union Schools,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to incorporate the Hermitage Association in the city of New York,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

"An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The President presented a communication from A. N. Gunn, Health Officer of the Port of New York, in reply to the resolution of the Senate, as to his fees, compensation and expenses, which was laid on the table and ordered printed.

(See Doc. No. 78.)

The bill entitled "An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Truman	
Bailey	Cook	Hardin	Murphy	Willard	
Bell	Farrar	Little	Pruyn	Woodruff	
Bradley	Folger	Low	Smith	Young	
Clark	Freer	Montgomery			23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows :

FOR THE AFFIRMATIVE

Bradley	Freer	Low	Pruyn	Willard	
Clark	Little	Murphy	Smith	Woodruff	10

FOR THE NEGATIVE.

Abbott	Ganson	Richards	Truman	Young	
Cook					6

Not having received the constitutional vote, said bill was laid aside.

The bill entitled "An act respecting the powers and duties of the boards of supervisors and proceedings against them," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Tobey	
Bailey	Cook	Little	Pruyn	Willard	
Bell	Folger	Low	Ramsey	Woodruff	
Bradley	Freer	Montgomery	Richards	Young	
Clark	Ganson	Munroe	Smith		24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Bailey	Connolly	Low	Pruyn	Smith	
Bradley	Freer	Munroe	Ramsey	Willard	
Clark	Hardin	Murphy	Richards	Woodruff	15

FOR THE NEGATIVE.

Abbott	Farrar	Ganson	Montgomery	Truman	
Bell	Folger	Little	Tobey	Young	
Cook					11

Mr. Connolly moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Low	Pruyn	Willard	
Bradley	Cornell	Montgomery	Ramsey	Young	
Clark	Little	Munroe	Smith		14

FOR THE NEGATIVE.

Ganson					1
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Not having received the Constitutional vote, said bill was laid aside.

The bill entitled "An act to compensate bona fide purchasers of wild lands in Sullivan county for improvements made thereon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Ramsey	Truman	
Bradley	Farrar	Low	Robertson	Woodruff	
Clark	Freer	Montgomery	Smith	Young	
Connolly	Hardin				17

FOR THE NEGATIVE.

Bailey	Folger	Murphy	Tobey	Willard	
Cook	Ganson	Pruyn			8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the protection of bridges belonging to the State or under its control," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Montgomery	Richards	Truman	
Bailey	Folger	Munroe	Robertson	Willard	
Clark	Freer	Murphy	Smith	Woodruff	
Connolly	Hardin	Pruyn	Tobey	Young	
Cook	Little	Ramsey			23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Freer moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the village of Kingston,' passed April 8, 1861," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bailey	Folger	Low	Ramsey	Truman	
Bradley	Freer	Montgomery	Richards	Willard	

Clark  
Cook  
Cornell

Ganson  
Hardin  
Little

Munroe  
Murphy  
Pruyn

Robertson  
Smith

Woodruff  
Young

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Smith moved that the bill entitled "An act to authorize the Brooklyn, Bath and Coney Island railroad company to use rails of not less weight than forty pounds to the lineal yard, in the construction of their road," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to incorporate the New York Commercial Association."

"An act to release the interest of the State in certain land lying outside of high water mark, in Kings county."

"An act to amend the charter of the Schenectady Fire Insurance company, and to change its name."

After some time spent therein, the President resumed the chair, and Mr. Willard, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Willard, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Willard, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1858."

"An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poor house.'"

"An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson, and State of New York, appointing Graham G. Grennell, Hiram S. Thompson and Orrin H. Rundell, as justices of the peace of said town; and to confirm the said appointees, respectively, in their office as justices of the peace of said town."

"An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county."

"An act supplementary to an act entitled 'An act to provide for the continuation of Flatbush avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854."

"An act to incorporate Zephyr Hose company number 4, of Port Richmond."

"An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer."

"An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852."

"An act to amend the charter of the village of Albion."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act in relation to the Susquehanna Seminary at Binghamton."

"An act to authorize the Brooklyn, Bath and Coney Island railroad company to use rails of not less weight than forty pounds to the lineal yard, in the construction of their road."

"An act in relation to the superintendents of the poor."

After some time spent therein, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported that they have made sundry amendments to the second named bill, and amended the title so as to read as follows:—"An act for the relief of the Brooklyn, Bath and Coney Island railroad company," and as amended, recommend its passage, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Ramsey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

## SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows:

"An act to amend an act entitled 'An act in relation to the punishment of crimes in certain cases,' passed April 11, 1856."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts.'"

Assembly, "An act for the relief of Stephen Van Alstyne."

After some time spent therein, the President resumed the chair, and Mr. Little, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Little, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Richards and by unanimous consent—

*Resolved*, That the Assembly be requested to return to the Senate the Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

By unanimous consent, Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to change the name of the Rose Hill Savings bank," reported in favor of the passage of the same,

with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to authorize the Bank of Troy to reduce its capital stock," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Cornell, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the supervisors of certain towns of Chautauqua and Cattaraugus counties to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1855," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the petition of citizens of Otsego county, for the repeal of the act exempting ministers of the gospel from taxation, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of James Savage and Thomas Kane," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger from the committee on the judiciary, to which was referred the petition of citizens of the city of New York, for certain relief from taxation on personal property, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

By unanimous consent, Mr. Folger from the committee on the judiciary, to which was referred the petition of John David Daniel Rosset for relief, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

By unanimous consent, Mr. Folger from the committee on the judiciary, to which was referred the petition of the trustees of Genesee Camp Ground, for an amendment of chapter 252 of Laws of 1857, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Ontario, for relief, reported by bill entitled "An act to provide for the payment of the subsistence of volunteers for the service of the United States, raised in the county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the printing of the calendars of causes in the several courts of record of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Hermitage Association,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary,

to which was referred the Assembly bill entitled "An act to change the name of Jeremiah Truman Brown," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the sale and conveyance of the interest of the infant heirs of Wm. C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to prevent attempts to commit burglaries and other crimes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the election of a police justice in the town of Dunkirk, and for other purposes," reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town," and as amended recommend its passage; said bill was committed to the committee of the whole.

On motion of Mr. Truman, the Senate adjourned.

### WEDNESDAY, MARCH 26, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Calder.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company.'"

"An act to amend section 36 of article 2, title 10, chapter 8, of the third part of the Revised Statutes."

Also the following Assembly bills:

"An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers."

"An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York."

"An act to regulate the use of public highways."

"An act to amend the charter of the Knickerbocker Life Insurance company."

"An act for the relief of Louis Gabriel Jeanrenaud, and Sophie Adele Jeanrenaud."

"An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county."

"An act to amend an act entitled 'An act to incorporate the Hermitage Association in the city of New York,' passed April 17, 1860."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Farrar presented two remonstrances of citizens of Monroe county, against passage of bill amending charter of city of Rochester, which were read and referred to the committee on cities and villages.

Mr. Sanford presented a remonstrance of forwarders of Oswego, against the passage of a law imposing tolls on property transported on the Oneida lake, which was read and referred to the committee on canals.

Also, a petition of citizens of Richland, Oswego county, for the relief of George Ashman, which was read and referred to the committee on the judiciary.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to incorporate the fire department of the village of Owego," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend the charter of the Excelsior Fire Insurance company, in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Knickerbocker Life Insurance company," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Aetna Fire Insurance company of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company,' " with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Smith, from the committee on militia and public defence, to which was referred the bill entitled "An act for the repair of the State arsenal



at Brooklyn, the construction of an arsenal at Rochester, and a magazine at Buffalo," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Hermitage Association in the city of New York,' passed April 17, 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 36 of article 2, title 10, chapter 8, of the third part of the Revised Statutes," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Louis Gabriel Jeanrenaud, and Sophie Adele Jeanrenaud," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to regulate the use of public highways," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Cornell asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France,' passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act for the relief of Edward S. Dixon, heretofore elected a justice of the peace of the town of Seneca, in the county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Clark asked and obtained leave to introduce a bill entitled "An act in relation to certain school moneys and property of the fourteenth and fifteenth townships in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Assembly returned the bill entitled "An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for families of volunteers in the service of the United States," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 10, engrossed bill, strike out the word "for."

Mr. Hardin moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Farrar	Low	Richards	Tobey
Bradley	Folger	Munroe	Robertson	Truman
Clark	Ganson	Murphy	Sanford	Willard
Connolly	Hardin	Pruyn	Smith	Young
Cornell	Little			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly bill entitled "An act to authorize the Port Henry Iron Ore company of Lake Champlain to borrow money by mortgage on their real estate in Essex county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Richards	Tobey
Bailey	Folger	Montgomery	Robertson	Truman
Bradley	Ganson	Munroe	Sanford	Willard
Connolly	Hardin	Murphy	Smith	Young
Cornell	Little	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to perpetuate the evidence of the death of Nicholas Van Staphorst and others, passed May 13, 1846,' and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Smith
Bailey	Farrar	Little	Murphy	Tobey
Bradley	Folger	Low	Richards	Willard
Clark	Ganson	Montgomery	Sanford	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the poormasters of the town of Gorham, in the county of Ontario, to convey certain lands for cemetery purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bailey	Folger	Montgomery	Richards	Tobey
Bradley	Ganson	Munroe	Robertson	Truman
Clark	Hardin	Murphy	Sanford	Willard
Connolly	Little	Pruyn	Smith	Young
Farrar				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a mes

sage informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union railroad company, due first of January 1863, as shall not be covered by money on hand for that purpose," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith
Bailey	Farrar	Low	Richards	Tobey
Bradley	Folger	Montgomery	Robertson	Truman
Clark	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river at Clarissa street, in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Montgomery	Richards
Bailey	Cornell	Hardin	Munroe	Sanford
Bradley	Farrar	Little	Murphy	Truman
Clark	Folger	Low	Pruyn	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to incorporate the New York Commercial Association."

"An act to repeal the act entitled 'An act to widen Main street in the city of Brooklyn, passed April 13, 1861, and to provide for the expenses incurred under the same.'"

"An act to release the interest of the State in certain land lying outside of high water mark, in Kings county."

"An act for the relief of the Brooklyn, Bath and Coney Island railroad company."

"An act to alter the map of the late village of Williamsburgh now part of the city of Brooklyn."

"An act to incorporate the Homeopathic Medical Society of the State of New York."

"An act in relation to the Susquehanna Seminary at Binghamton."

The bill entitled "An act to repeal the act entitled 'An act to widen Main street in the city of Brooklyn, passed April 13, 1861,' and to provide for the expenses incurred under the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith
Bailey	Folger	Low	Richards	Tobey
Bradley	Ganson	Montgomery	Robertson	Willard
Clark	Hardin	Murphy	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Homeopathic Medical Society of the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Smith
Bailey	Cornell	Little	Pruyn	Truman
Bell	Farrar	Low	Richards	Willard
Clark	Folger	Montgomery	Robertson	Young

20

FOR THE NEGATIVE.

Bradley	Ganson			
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to alter the map of the late village of Williamsburgh now part of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Montgomery	Tobey
Bailey	Cornell	Hardin	Pruyn	Truman
Bell	Farrar	Little	Richards	Willard
Bradley	Folger	Low	Smith	Young
Clark				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to incorporate the New York Commercial Association," having been announced—

Mr. Truman moved to recommit said bill to the committee on commerce and navigation, and when reported to retain its place on third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The third reading of the bill entitled "An act in relation to the Susquehanna Seminary at Binghamton," having been announced—

Mr. Truman moved to recommit said bill to the committee on literature, with instructions to amend by adding a clause requiring the expenses of foreclosing the mortgage to be paid by the trustees of the seminary, and report the same forthwith to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The third reading of the bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and com-

pletion of the canals, and to increase the revenue of the sinking fund, under section 3 of article 7 of the Constitution," having been announced—

Mr. Bell moved to recommit said bill to the committee on finance.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to release the interest of the State in certain land lying outside of highwater mark, in Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Pruyn	Sanford
Bailey	Farrar	Little	Richards	Truman
Bradley	Folger	Low	Robertson	Young
Clark	Ganson	Murphy		

18

#### FOR THE NEGATIVE.

Montgomery	Tobey	
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2

Mr. Connolly moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Murphy moved to reconsider the vote by which the bill entitled "An act to incorporate the New York Commercial Association," was recommended to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The bill entitled "An act for the relief of the Brooklyn, Bath and Coney Island railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Pruyn	Smith
Bailey	Farrar	Montgomery	Richards	Truman
Bell	Hardin	Munroe	Robertson	Willard
Clark	Little	Murphy	Sanford	Young
Cook				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein the doors were opened and legislative business resumed.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act in relation to the Susquehanna Seminary at Binghamp-ton," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act relating to the enlargement and completion of the canals, and to reduce the number and regulate the employment of engineers thereon," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act in relation to the election of superintendents

of the poor in the county of Columbia," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bailey	Cornell	Low	Richards	Truman
Bradley	Farrar	Montgomery	Sanford	Willard
Clark	Folger	Munroe	Smith	Woodruff
Connolly	Ganson	Murphy	Tobey	Young
Cook	Little	Pruyn		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Stephen Van Alstyne," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Smith
Bailey	Cornell	Little	Pruyn	Truman
Bell	Farrar	Low	Richards	Willard
Bradley	Folger	Montgomery	Robertson	Woodruff
Clark	Ganson	Munroe	Sanford	Young
Connolly				

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act authorizing the supervisors of certain towns of Chautauqua and Cattaraugus counties to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Bradley	Farrar	Low	Pruyn	Truman
Clark	Folger	Montgomery	Richards	Willard
Connolly	Ganson	Munroe	Sanford	Woodruff
Cook	Hardin	Murphy	Smith	Young
Cornell	Little			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the New York Commercial Association," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to and said bill ordered to a third reading.

The Assembly bill entitled "An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows:

## FOR THE AFFIRMATIVE

Bailey	Clark	Connolly	Low	Smith	6
Bradley					

## FOR THE NEGATIVE.

Cook	Ganson	Montgomery	Murphy	Young	9
Folger	Little	Munroe	Truman		

Not having received the constitutional vote, said bill was laid aside, under the rule.

Mr. Murphy moved to recommit said bill to the committee on cities and villages, with instructions to amend by striking out in section four the words "and forever after," and report the same back forthwith to the Senate.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize the Bank of Troy to reduce its capital stock," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Bailey	Cook	Little	Pruyn	Truman	
Bradley	Cornell	Low	Ramsey	Willard	
Clark	Farrar	Munroe	Richards	Woodruff	
Connolly	Folger	Murphy	Sanford	Young	20

## FOR THE NEGATIVE.

Ganson	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Clark	Folger	Munroe	Richards	Truman	
Connolly	Ganson	Murphy	Robertson	Willard	
Cook	Little	Pruyn	Sanford	Woodruff	
Cornell	Low	Ramsey	Smith	Young	22
Farrar	Montgomery				

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly sent for concurrence the following entitled bill:

"An act to correct an error in the assesment of taxes in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The President presented a communication from the Auditor of the Canal Department, in relation to the reduction of tolls on certain articles, which was referred to the committee on canals, and ordered printed.

(See Doc. No. 69.)

By unanimous consent, Mr. Murphy presented a remonstrance of trustees of the village of Astoria, against the act in relation to the Ravenswood, Hallett's Cove and Williamsburgh turnpike company, which was read and referred to the committee of the whole.

By unanimous consent, Mr. Richards presented a remonstrance of Thos. Sleater & Co., against the act in relation to actions upon premium notes given to Mutual Insurance companies, which was read and referred to the committee of the whole.

The Assembly returned the following entitled bill:

"An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

Mr. Richards moved to reconsider the vote taken on Monday, by which said bill was lost, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

On motion of Mr. Connolly—

*Resolved*, That the Clerk of the Senate furnish each of the pages with one full bound Red Book, as at last session.

By unanimous consent, Mr. Folger presented a memorial of loan commissioners of the county of Ontario, for power to release certain lands, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to authorize the commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Truman moved that the bill entitled "An act in relation to the Susquehanna Seminary at Binghamton," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cornell	Montgomery	Ramsey	Truman
Bradley	Farrar	Munroe	Richards	Willard
Connolly	Little	Murphy	Sanford	Woodruff
Cook	Low	Prayn	Smith	

19

FOR THE NEGATIVE.

Folger	Ganson	Tobey	Young
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4

Mr. Truman moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens, State of New York," reported adversely thereto.

Mr. Ramsey moved that the report of the committee be disagreed to, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.



Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings, and State of New York," reported adversely thereto.

Mr. Murphy moved that the report of the committee be disagreed to, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Farrar, from the committee on cities and villages, to which was recommended the Assembly bill entitled "An act to incorporate Protection Fire Engine Co. No. 1, in Huntington, Suffolk county," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Tobey asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Poughkeepsie,' passed March 8, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the 11th section of the Code of Procedure, entitled 'The Court of Appeals,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Low moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the charter of the Excelsior Fire Insurance company, in the city of New York," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Sanford
Bailey	Cook	Little	Pruyn	Willard
Bell	Cornell	Low	Ramsey	Woodruff
Bradley	Farrar	Montgomery	Richards	Young
Clark	Folger	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Ganson moved to take from the table the following resolution:

*Resolved*, That the resolution appointing the "select committee of nine," passed on the 19th of March, 1862, be and the same is hereby amended by adding thereto the following:

"The said committee shall not report any other than local bills, and shall take up the bills referred to them and consider and report the same in order as they appear on the general orders."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Munroe called for a division of the question.

The President put the question whether the Senate would agree to so much of said resolution as relates to local bills, and it was decided in the affirmative.

The President then put the question whether the Senate would agree on so much of said resolution as relates to taking up and considering said bills in their order on the general orders, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Freer	Little	Munroe	Truman	
Cornell	Ganson	Low	Tobey	Woodruff	
Folger					11

## FOR THE NEGATIVE.

Abbott	Clark	Montgomery	Ramsey	Sanford	
Bailey	Connolly	Murphy	Richards	Smith	
Bell	Farrar	Prunyn	Robertson	Young	15

The hour of fifteen minutes to two having arrived, the President declared the Senate adjourned until to-morrow morning at 11 o'clock.

## THURSDAY, MARCH 27, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Dyer.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to regulate the taking of tolls upon the Geneva and Rushville plank road."

"An act incorporating a permanent library association for Masonic and kindred works, in the city of New York."

"An act to incorporate the Canandaigua Walton Club."

"An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a portion of their road."

"An act to change the name of 'The Rose Hill Savings bank,' in the city of New York."

Also the following entitled Assembly bills:

"An act for the relief of the Sable Iron company."

"An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town."

"An act to authorize the sale and conveyance of the interest of the infant heirs of William C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof."

"An act relative to the printing of the calendars of causes in the several courts of record in this State."

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861."

"An act to change the name of Jeremiah Truman Brown."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Young presented two petitions of inhabitants of the village of Dunkirk, for a police justice in said village, which were laid on the table.

Mr. Munroe presented a remonstrance of citizens of Oswego county, against imposing tolls on property transported over the Oneida lake, which was read and referred to the committee on canals.

Mr. Sanford presented a remonstrance of citizens of Oswego, on same subject, which was read and referred to the committee on canals.

Mr. Ramsey presented a remonstrance of citizens of Greene county, against passage of the act relative to the Schoharie Kill bridge company, which was read and referred to the committee of the whole.

Mr. Bell presented a petition of citizens of Watertown, against the repeal of the act incorporating the Metropolitan Medical College, which was read and referred to the committee on medical societies.

Mr. Freer presented three remonstrances of citizens of Greene county, against the passage of the bill to amend the charter of the Schoharie Kill bridge company, which were read and referred to the committee of the whole.

By unanimous consent, Mr. Freer moved that the bill entitled "An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto," be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Murphy presented a petition of Charles Stevens and seventy others, in favor of the act to extend the charter of the Ravenswood, Hallett's Cove and Williamsburgh turnpike and bridge company, which was read and referred to the committee of the whole.

Mr. Ramsey, from the committee on literature, to which was referred the bill entitled "An act incorporating a permanent library association for Masonic and kindred works, in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Ramsey from the committee on literature, to which was referred the Assembly bill entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Edward S. Dixon, heretofore elected a justice of the peace in the town of Seneca, in the county of Ontario," reported in favor of the passage of the same.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Smith
Bailey	Folger	Little	Ramsey	Willard
Bell	Freer	Low	Richards	Woodruff
Bradley	Ganson	Montgomery	Robertson	Young
Clark	Hardin	Munroe	Sanford	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Ganson, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the commissioners for loaning certain

moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ganson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act relative to the printing of the calendars of causes in the several courts of record in this State," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of the Sable Iron company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of Jeremiah Truman Brown," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the sale and conveyance of the interest of the infant heirs of William C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Canandaigua Walton Club," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to third reading.

Mr. Bell, from the committee on finance, to which was recommitted the bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 3 of article 7 of the Constitution," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the highway tax of the New York Central railroad company, through the town of Mentz, to be applied to the repairs of certain highways in said

town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to John Lent's cemetery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the support and custody of indigent insane persons of the county of Genesee," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the compensation of the superintendent of common schools in the city of Utica," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the bill entitled "An act in relation to certain school moneys and property of the 14th and 15th townships, in the county of Chenango," reported in favor of the passage of the same.

On motion of Mr. Clark and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Ramsey	Smith
Bailey	Folger	Low	Richards	Truman
Bradley	Freer	Munroe	Robertson	Woodruff
Clark	Ganson	Pruyn	Sanford	Young
Connolly	Hardin			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to change the name of 'The Rose Hill Savings bank,' in the city of New York," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank, of the city of New York,' passed April 5, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to regulate the taking of tolls upon the Geneva and Rushville plankroad," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron, and to authorize the corporation to elect nine trustees," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the New York State Convention of Universalists," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Newburgh Home for the Friendless," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act concerning the Erie Railway company," with a message that they had concurred in the passage of the same, with the following amendment:

Add to section six the following:

"And if any corporation duly organized, or to be organized in the State of New Jersey or Pennsylvania, shall undertake to construct a coal road, and to connect the same with the road of the Erie Railway company, between Oxford station, in Orange county, and Deposit, in the county of Delaware, for the transportation of coal, said Erie Railway company is hereby authorized to lease the said coal road and to contract for the leasing and operation of the same, and for the transportation of coal over said coal road, and upon any road that may be owned or operated by said Erie Railway company, provided however, that this section shall not be deemed to authorize the leasing of but one such road."

Mr. Truman moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Munroe	Smith
Bailey	Farrar	Hardin	Pruyn	Truman
Clark	Folger	Little	Richards	Woodruff
Connolly	Freer	Low	Sanford	Young

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bill:

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the following resolution from the Canal Board, in relation to the reduction of tolls on certain articles named therein:

*Resolved,* That, if the honorable Legislature concur, the rates of toll on the following named articles per thousand pounds per mile be reduced as follows: On cabinet ware and chairs, from four to three mills; on carts, carriages, wagons, sleighs, drill barrows, fanning mills, plows, harrows, mowing, reaping and thrashing machines, looking glasses, willow ware, mattresses, piano fortes, and tile for roofing, from four to two mills.

*Resolved*, That the Auditor transmit a copy of the above resolution to the Legislature and request a concurrence therein, on the part of this Board.

*Ordered*, That said resolution be laid on the table.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburg and the town of Bushwick into one municipal government and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereof, or affecting the same."

The Assembly sent for concurrence the following entitled bills :

"An act to amend an act to provide for the re-building the locks on the Oneida Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to empower St. Patrick's Lodge No. 4, of Free and Accepted Masons, in the village of Johnstown, to take, hold and convey real estate and personal property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act enabling the Tompkins County Agricultural and Horticultural Society to draw their proportion of the moneys devoted to agricultural purposes from the State Treasury," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to release the interest of the people of this State, in certain land whereof John Johnson died seized, to John Johnson and James Johnson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10th, 1861, and the appointment of commissioners therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Brooklyn Pharmaceutical Society of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

"An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 13, 1854,'," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

"An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river, at a place called Fink's, at the foot of Fall Hill, in the town of Danube," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the trustees of the village of Elmira to erect bridges over the Chemung canal in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to regulate the size of apple barrels," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to repeal certain sections of chapter 230 of the Laws of 1843," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the relief of John N. Elmore," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate Knickerbocker Fire Engine company number one, at Rockland Lake, in the town of Clarkstown, in the county of Rockland and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend an act entitled 'An act in relation to the auditing of accounts by the boards of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,' passed March 26, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend sections first and second, title second, chapter ten of part third of the Revised Statutes, and section three of chapter 390 of the Laws of 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woodruff asked and obtained leave to introduce a bill entitled "An act to incorporate the Firemen's Savings institution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Young asked and obtained leave to introduce a bill entitled "An act to authorize the construction of a bridge over the



Allegheny river, on the Indian Reservation in the town of Carrolton, in the county of Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company.'"

"An act in relation to the election of county superintendents of the poor in the county of Columbia."

"An act to amend the charter of 'The Fire Excelsior Insurance company,' in the city of New York."

"An act to incorporate the Fire Department of the village of Owego."

"An act in relation to the Susquehanna Seminary at Binghamton."

The Assembly bill entitled "An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Farrar	Little	Pruyn	Smith
Bailey	Freer	Low	Ramsey	Truman
Bell	Ganson	Montgomery	Richards	Woodruff
Connolly	Hardin	Munroe	Robertson	Young
Cook	Hutchinson	Murphy	Sanford	

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend the charter of the Aetna Fire Insurance company of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Smith
Bailey	Cook	Hutchinson	Pruyn	Truman
Bell	Farrar	Little	Richards	Woodruff
Bradley	Freer	Montgomery	Robertson	Young
Clark	Ganson	Munroe	Sanford	

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Hermitage Association in the city of New York,' passed April 17, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Munroe	Smith
Bailey	Cook	Little	Pruyn	Truman
Bell	Farrar	Low	Richards	Woodruff
Bradley	Freer	Montgomery	Sanford	Young
Clark	Hardin			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Smith
Bell	Cornell	Low	Richards	Truman
Bradley	Farrar	Montgomery	Robertson	Woodruff
Clark	Hardin	Munroe	Sanford	Young
Connolly	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to incorporate the Fire Department of the village of Owego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Pruyn	Smith
Bailey	Cook	Little	Ramsey	Truman
Bell	Farrar	Low	Richards	Woodruff
Bradley	Freer	Montgomery	Robertson	Young
Clark	Ganson	Munroe	Sanford	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Sanford
Bailey	Cornell	Little	Ramsey	Smith
Bell	Farrar	Low	Richards	Truman
Bradley	Folger	Munroe	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Louis Gabriel Jeanrenaud, and Sophie Adele Jeanrenaud," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Ramsey	Smith
Bailey	Farrar	Low	Richards	Truman
Bradley	Folger	Munroe	Robertson	Woodruff
Connolly	Freer	Pruyn	Sanford	Young
Cook	Hardin			

22

## FOR THE NEGATIVE.

Bell	Ganson	Montgomery	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Sanford
Bailey	Farrar	Low	Ramsey	Smith
Bell	Ganson	Montgomery	Richards	Truman
Bradley	Hardin	Munroe	Robertson	Young
Connolly	Hutchinson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to regulate the use of public highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Ramsey	Smith
Bailey	Cornell	Little	Richards	Truman
Bradley	Folger	Munroe	Robertson	Woodruff
Clark	Freer	Pruyn	Sanford	

19

## FOR THE NEGATIVE.

Bell	Farrar	Low	Montgomery	Young
Cook	Ganson			

7

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Little moved that the bill entitled "An act to repeal chapter 739 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Low moved to take from the table the bill entitled "An act in relation to plank roads and turnpike roads."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Low moved that said bill be recommitted to the committee on roads and bridges.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved that the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to

regulate the same,' passed April 2, 1850," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Sanford moved that the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the bill entitled "An act to release the interest of the State in certain land lying outside of high water mark, in Kings county," be taken from the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Farrar moved that the Assembly bill entitled "An act to provide for schools in the almshouses in the several counties in the State," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bradley, from the select committee consisting of the Senators from the city and county of New York, to which was referred a communication from the Commissioners of the Land Office, relative to certain parcels of ground reclaimed from the Harbor of the city of New York, reported in writing; which report was laid on the table and ordered printed.

(See Doc. No. .)

Mr. Bradley moved that said report, when printed, be referred to the committee on the judiciary.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved that the session on Friday evening, be devoted to claim bills on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Pruyn moved that the bill entitled "An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bailey moved that the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the Canal Commissioners to build a bridge over the Chenango canal, in the city of Utica,'" be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Smith moved that the bill entitled "An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal at Evans street, in the village of Geneva," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Freer offered the following resolution :

*Resolved*, That fifteen copies of the annual report of the State Medical Society, be printed for each Senator and officer of the Senate.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment :

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858.'"

"An act to incorporate the Bay Ridge Fire company, in the town of New Utrecht."

"An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York."

"An act to release the interest of the State of New York in land acquired by escheat to Solomon Myers."

"An act to provide for the construction of a bridge across the Oneida river, at Caughdenoy."

"An act in relation to School District No. 6, in the town of Yonkers."

"An act authorizing the village of Dunkirk in the county of Chautauqua, to purchase, take and hold land within or without the bounds of said village for a cemetery."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills :

"An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

"An act concerning the Erie Railway company."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

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### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of taking a recess, being the bills entitled as follows :

"An act to repeal chapter 789 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same.'"

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the same committee, reported progress on the last named bill, and asked leave to sit again.

The President put the question whether the Senate would agree to grant leave to sit again, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Angel Clark	Cornell Freer	Pruyn Ramsey	Sanford Smith	Woodruff	9
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## FOR THE NEGATIVE.

Bailey	Farrar	Hutchinson	Montgomery	Tobey	
Bell	Folger	Little	Murphy	Truman	
Bradley	Ganson	Low	Richards	Young	
Connolly					16

The Assembly sent for concurrence the following entitled bills :

"An act for the relief of James O'Maley and his bail," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Mrs. Caldwell," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize Josephine Bargagli to take, hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act releasing the interest of the State in certain surplus moneys to Frederick Krutina," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of his conviction shall not be used as evidence in the courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election of a police constable in the village of Silver Creek," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the election of three superintendents of the poor in the county of Genesee," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized to his widow, Catharine Laville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause and insert the following :

"Section 1. Section first of said title is hereby amended so as to read as follows :

In all the counties of this State, except the county of New York, there shall annually be levied and collected the following tax upon dogs : Upon every bitch of three months old and upwards kept by any one person or family, three dollars ; upon every additional bitch kept by the same person or family, five dollars ; upon every dog three months old or upwards other than bitches, kept by one person or family, one dollar ; upon every such dog more than one kept by the same person or family, two dollars.

§ 2. Section six of said title is hereby amended so as to read as follows :

If any person duly assessed shall refuse or neglect to pay the tax so assessed, within five days of the demand thereof, it shall be lawful for any person, and it shall be the duty of the collector to kill the dog so taxed.

§ 3. Section seven of said title is hereby amended so as to read as follows :

The collector shall be allowed to retain a commission of ten dollars on every hundred dollars collected, and at that rate upon all sums collected by them pursuant to the direction of the assessors ; and said collectors shall also, on filing their affidavit of the fact with the county treasurer, be entitled to retain as a further compensation from the moneys collected by them, the sum of seventy-five cents for every dog killed by them, under the provisions of the second section of this act.

§ 4. In any action brought for the killing of any dog, it shall be incumbent on the plaintiff in said action to prove that the tax imposed upon such dog by the provisions of this act, has been paid.

§ 5. This act shall take effect immediately, except section fourth, which shall take effect on the first of November next."

Amend the title so as to read as follows :

"An act to amend title 17, chapter 20, part one of the Revised Statutes, entitled 'Of Dogs.'"

Mr. Bell moved that the Senate concur in said amendments.

Mr. Folger moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to concur, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Farrar	Low	Ramsey	Tobey	
Bell	Little	Montgomery	Richards	Truman	10

#### FOR THE NEGATIVE.

Angel	Folger	Hardin	Pruyn	Woodruff	
Clark	Freer	Hutchinson	Sanford	Young	
Gonnolly	Ganson	Murphy	Smith		14

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments.

The Assembly returned the bill entitled "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name," with a message that they had concurred in the passage of the same, with the following amendment :

Strike out all after the enacting clause and insert the following :

"Section 1. The Watervliet turnpike company, in addition to their present rights, powers, franchises and privileges, are also hereby authorized and permitted to construct and maintain one or more railroad tracks and ways, with all the necessary turnouts, branches and switches, upon the bed,

or one or both sides of their present turnpike road. And are also authorized, with the consent of the board of trustees of the village of West Troy, to extend, construct and maintain said railroad track or ways from the northerly termination of said turnpike road, or any other more convenient point on said turnpike, on and through Broad street or any of the other streets in said village to some convenient point at or near the bridge across the west sprout of the Mohawk river, and to construct and maintain a branch railroad southerly through Broad street and any other street in said village; and also to construct and maintain the same, and diverging branch or branches thereof by any eligible and convenient route to the village of Cohoes, and also to construct and maintain such railroad or ways with necessary branches, switches and turnouts in and through any of the streets or highways or alleys in the village of Cohoes, on first obtaining the consent of the trustees of said village of Cohoes to the construction thereof, within the corporate limits of said village; and are also empowered and authorized to extend their present turnpike road to the northerly line of the city of Albany, and to construct and maintain thereon one or more railroad tracks or ways; and are also hereby authorized, with the consent and with such restrictions as may be deemed proper by the common council of the city of Albany, to extend and maintain such railroad track or tracks and ways from the southerly termination of said turnpike road, in and through Broadway in said city to South Ferry street, by a single or double track where the carriage way of said Broadway is of the width of forty-five feet and over, and by a single track where said carriage way is less than forty-five feet; and the said company are hereby required in winter to remove the snow from the surface of said carriage way down to within one foot of the pavement where the width thereof will admit of it, where a double track is laid for a space of twenty feet in width on each side of said track from the outside rail, and where a single track is laid and the carriage way is less than thirty-five feet wide, for the space of fifteen feet in width on each side of said track from the rail; provided, always, that if said company construct said railroad through Broadway in the city of Albany, they shall extend and maintain a branch track therefrom, through North Ferry street, to and through the lumber district to the north bounds thereof, and they are hereby authorized so to do, also to use any existing bridge or bridges across the Erie and Champlain canal for the purpose of constructing, maintaining and operating thereon such railroad tracks or ways, and to erect and maintain new and additional bridges for such purposes; provided however that the consent of the Canal Board shall be obtained thereto, and subject to such conditions and restrictions as the canal board shall from time to time impose; provided always, that such new bridges shall not interfere with the use or navigation of the Erie or Champlain canals, and shall be constructed in a manner to be approved by the Canal Board.

§ 2. The track or tracks of said railroad or way, and all the branches, turnouts and switches thereof, shall be constructed with the most approved rail, and that part thereof which shall be constructed in, through or upon any of the public and paved street or streets in the city of Albany or the village of West Troy, or the village of Cohoes, shall be constructed and maintained flush with the surface of such street or streets, as they now are or may be from time to time established or altered, and the said company shall keep the surface of every such street inside the rail and for two feet outside thereof, at all times in good and proper condition and repair; and said railroad tracks or ways shall be so constructed and used as to leave on each side thereof a portion of the carriage way sufficient for the safe and convenient passage of carriages going in one direction, and so as not to



occupy more than half of the width of the present turnpike road or of the carriage way of any of the streets in the city of Albany or the villages of West Troy and Cohoes, through which the same may be constructed, and so as not unnecessarily to impair the public use of the remaining portion of the turnpike road and such street or streets, by causing or permitting snow or dirt, taken from the said tracks or ways, to be placed thereon, or in any other manner. And in case said company neglect to keep the surface of the portion of any part of said Broadway, in the city of Albany, used by them, in good condition or repair, as hereinbefore provided, or cause or permit snow or dirt taken from the same to be placed on the remaining portion of said street, as above referred to, or otherwise obstruct said remaining portion, or neglect to remove therefrom surplus snow above one foot in depth, in the cases above herein provided, they shall be liable to the owner or occupant of the property on the line of said street opposite which any of the above grievances exist or have been done or permitted, in the penalty of fifteen dollars, to be recovered by an action at law, before any justice of peace, on one day's notice being given to said company, and said suit may be commenced by the service of a summons, on notice as aforesaid being given, on any director of said company.

§ 3. It shall be lawful for said company, in constructing and operating such railroad track or ways, to construct, operate and run the same over and across the track of any existing highway, or turnpike road, or the track and rails of any existing railroad company, but said company shall construct, maintain, and keep every such crossing in a proper, safe, and sufficient condition and repair, so as to allow at all times the ready, safe and free passage of cars, and other vehicles, on and across the same, without hindrance or delay.

§ 4. The said turnpike company are hereby authorized to take, transport and carry property and persons upon the said railroad track or tracks; for compensation, by the power of horses, animals, or any mechanical or other power, or the combination of them, which the said company may choose to employ, except the force of steam, and may charge and collect from each and every person so carried, a fare not to exceed for any distance not exceeding two miles, five cents, and for any excess over two miles, at the rate of two cents per mile for such excess, and the board of directors of said company may regulate the time and manner in which property and passengers shall be transported and carried thereon; and may also, from time to time, fix, regulate and establish the rates of charges and compensation to be paid and collected for the transportation of property and merchandize on its railroad, and may alter or modify the same at pleasure. But said company shall not, on Sunday, run their cars more than once an hour, to six o'clock P. M., and half hourly after six o'clock P. M., from each end of their road, for the transportation of passengers and their ordinary baggage, or for any other purpose. And nothing in this act shall authorize said company to run the freight cars of any other railroad upon their track through the city of Albany; nor shall said company carry upon their track freight to or from any other railroad on which steam is used as a propelling power.

§ 5. For the purpose of defraying the costs and expenses of constructing and equipping and putting in full and complete operation the aforesaid railroad track and ways, with the branches, turnouts, switches and other necessary fixtures and appurtenances as above authorized, the said company may and they are hereby authorized to increase their capital stock, not exceeding one hundred and fifty thousand dollars. The amount of such increase of capital stock shall be determined by a resolution of the board of directors

of said company, within ninety days after the final passage of this act; such increase of the capital stock shall be divided into shares of one hundred dollars each, and shall be considered personal property, and shall be assignable and transferable on the books of the company, in the same manner and as now authorized in relation to the present capital stock.

§ 6. Gilbert C. Davidson, Henry A. Brigham, Archibald A. Dunlop, James D. Wasson, Charles Van Benthuyssen, James Roy, Charles B. Lansing, Joseph Badgley and Cornelius W. Armstrong, are hereby appointed commissioners, who shall, on or before the first day of January, eighteen hundred and sixty-three, meet at some suitable place in the village of West Troy, and also in the city of Albany, which they or a majority of them shall designate, to open books, and receive subscriptions to such increase of capital stock of said company. Public notice of the time and place of every such meeting for such purpose, shall be given for at least six days previous to the same, in at least one newspaper printed in the village of West Troy, and one other newspaper printed in the city of Albany; the books when opened by the commissioners, shall remain open from nine o'clock in the forenoon until five o'clock in the afternoon of the day, for not exceeding three successive days, so that all persons may have a fair opportunity of becoming subscribers, and the sum of ten dollars on each share subscribed for, shall be paid by every subscriber, in current money, to the commissioners in attendance at the time of making such subscription, and no subscription shall be complete or valid without such payment at the time when the subscription is made. If more than the amount of the increase of the capital stock, as fixed, shall have been subscribed, then the commissioners shall proceed to distribute and apportion the same among the subscribers thereof, in such a manner as they shall deem most advantageous to the company.

§ 7. The said commissioners, after closing the books of subscriptions, provided at least eighty thousand dollars of such additional stock shall have been subscribed for, and ten percent shall have been paid thereon, as required in the previous section, shall then give six days public notice, in at least one newspaper printed in the city of Albany, and also in one of the newspapers printed in the village of West Troy, for a meeting of the owners of the present capital stock, and also of the subscribers to the additional stock, to choose nine directors and three inspectors of election. The said commissioners, or such of them as shall attend, shall preside at such election, receive and canvass the votes, and declare and certify the result. Every stockholder and subscriber for the additional stock, who may attend in person or by proxy, shall be entitled to one vote in each share held or subscribed for by him at the time of giving notice of such election. The directors and inspectors shall be chosen by ballot, and shall hold their office until the next annual election, as provided for by the present charter of the company; and the term of office of the directors and inspectors of said company who shall be in office at the time of such election, shall expire on the day of such election. If any vacancy in the office of directors or inspectors chosen at such election shall happen by death or resignation, such vacancy may be filled by the remaining directors until the next annual election.

§ 8. The said commissioners shall also, before opening the books for subscription to such additional stock, ascertain and appraise the fair value per share of the present capital stock of the said company on the amount actually paid in, and shall certify such valuation to the board of directors, elected as prescribed in the last section, and shall also, without delay, deliver over to the said board of directors the subscription books and moneys

received by them from the subscribers to the additional stock of the company; and the said board of directors and their successors in office may from time to time receive additional subscriptions for any part of such additional stock remaining unsubscribed for, or which may have been forfeited by reason of non-payment of the same, as required by the board of directors, and without giving any new notice, and upon such terms and conditions, not inconsistent with the provisions of this act, as the board of directors may direct.

§ 9. The said commissioners, before performing any of the duties imposed on them by this act, shall be severally sworn and qualified before some officer authorized to administer oaths, that they will faithfully and impartially execute and discharge all the duties imposed on and required of them under this act.

§ 10. The directors of said company may demand and require from the several subscribers to the additional stock of the company, payment of the stock by them subscribed for, at such time and place, and in such proportions as they may deem proper, under the penalty of forfeiture of their respective shares, and all previous payments thereon, and may also sue for and recover the balance due on such subscriptions; but no subscriber for, or owner of such additional stock, shall be required to pay, in the aggregate, a greater sum on each share of stock subscribed for, or owned by him, than the appraised valuation per share of the present stock, on the amount paid in, as the same shall be appraised, and certified by the commissioners in the manner aforesaid.

§ 11. The said company, in addition to the powers, authority and privileges granted and conferred by this act, shall have the power and authority mentioned and defined in and by the first, second, third, fifth, sixth, eighth, ninth, and tenth subdivisions of the twenty-eighth section, and in the thirty-fifth, forty-second, and forty-fifth sections of the act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April 2, 1850; but nothing in this section contained shall authorize the said company to use steam as a propelling power on said road.

§ 12. Unless the said company shall construct and put in operation at least six continuous miles of said railroad track, with the necessary turn-outs, branches and switches, within three years after the passage of this act, this act shall cease and be of no effect.

§ 13. The corporate name of the said company shall hereafter be The Watervliet turnpike and railroad company.

§ 14. This act shall take effect immediately.

Mr. Pruyn moved to lay the question of concurring in said amendments on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to limit the compensation of the members of the board of supervisors of the county of Monroe," with a message that they had concurred in the passage of the same with the following amendments:

Section 1, line 2, engrossed bill, after the word "Monroe," insert the words "or Niagara."

Same section, lines 5 and 6, strike out the word "thirty" and insert in lieu thereof the words "twenty-five for the county of Monroe and fifteen for the county of Niagara."

Section 2, line 3, strike out the word "board" and insert in lieu thereof the word "boards."

Amend the title so as to read as follows :

"An act to limit the compensation of the members of the boards of supervisors in the counties of Monroe and Niagara."

Mr. Hutchinson moved that the Senate concur in said amendments, with a further amendment, as follows :

Strike out the word "fifteen" in said amendment, and insert in lieu thereof the word "twenty," so that it will read "twenty-five for the county of Monroe and twenty for the county of Niagara."

The President put the question whether the Senate would agree to said motion; and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Farrar	Hutchinson	Murphy	Smith	
Bell	Folger	Little	Prun	Tobey	
Clark	Freer	Low	Ramsey	Truman	
Connolly	Ganson	Montgomery	Richards	Young	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment, with a further amendment.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Knickerbocker Fire Engine company number one, at Rockland Lake, in the town of Clarkstown, in the county of Rockland and State of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was re-committed the bill entitled "An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a portion of their road," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to plank roads and turnpike roads," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10th, 1861, and the appointment of commissioners therefor," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Truman, the Senate adjourned.

FRIDAY, MARCH 28, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Fulton.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to amend chapter 505 of the Laws of 1860."

"An act to extend to the town of Perrinton, in the county of Monree, the provisions of chapter 286 of the Laws of 1861."

Also the following Assembly bills:

"An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10, 1861, and the appointment of commissioners thereof."

"An act to incorporate Knickerbocker Fire Engine company number 1, at Rockland Lake, in the town of Clarkstown, in the county of Rockland and State of New York."

"An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860."

"An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron and to authorize the corporation to elect nine trustees."

"An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838."

"An act requiring the highway tax of the New York Central railroad company through the town of Mentz to be applied to the repairs of certain highways in said town."

"An act relating to superintendents of the poor and temporary relief in Richmond county."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Young presented a petition of inhabitants of the village of Dunkirk, in favor of the passage of the act creating the office of police justice in said village, which was laid on the table.

Also two resolutions of the board of supervisors of Cattaraugus county, in relation to a bridge across the Allegany river on the Indian Reservation, which were read and referred to the committee on roads and bridges.

Mr. Smith presented a petition of Edward P. Day and others, for repeal of the act to provide for the widening of Fourth avenue in Brooklyn, which was read and referred to the committee on cities and villages.

Mr. Murphy presented a remonstrance of Isaac B. Strang and other residents of Astoria, Queens county, against the act extending the charter of the Ravenswood; Hallett's Cove and Williamsburgh turnpike and bridge company, which was referred to the committee of the whole.

Mr. Cook presented two remonstrances of citizens of Oswego, against imposing canal tolls on boats and property passing over the Oneida Lake, which were read and referred to the committee on canals.

Mr. Young, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 13, 1854,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Young, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Allegany river on the Indian Reservation, in the town of Carrolton, in the county of Cattaraugus," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to incorporate the Brooklyn Pharmaceutical Society of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river, at a place called Fink's, at the foot of Fall Hill, in the town of Danube," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10, 1861, and the appointment of commissioners therefor," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the Assembly bill entitled "An act enabling the Tompkins County Agricultural and Horticultural Society to draw their proportion of the moneys devoted to agricultural purposes from the State Treasury," reported in

favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to regulate the size of apple barrels," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the election of three superintendents of the poor in the county of Genesee," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act requiring the highway tax of the New York Central railroad company through the town of Mentz to be applied to the repairs of certain highways in the said town," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate Knickerbocker Fire Engine company number 1, at Rockland Lake, in the town of Clarkstown, in the county of Rockland and State of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron and to authorize the corporation to elect nine trustees," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 505 of the Laws of 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the closing up of insolvent Mutual Insurance companies," reported that the committee have made sundry amendments thereto, and amended the title by inserting after the word "insolvent" the words "and dissolved," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows :

"An act to amend section 86, of article 2, title 10, chapter 8 of the 3d part of the Revised Statutes."

"An act for the relief of Edward S. Dixon, heretofore elected a justice of the peace of the town of Seneca, in the county of Ontario."

"An act to repeal chapter 739 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies."

"An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a portion of their road."

"An act to incorporate the Canandaigua Walton Club."

"An act concerning the Erie Railway company."

"An act in relation to superintendents of poor."

"An act to regulate the taking of tolls upon the Geneva and Rushville plankroad."

"An act to change the name of 'The Rose Hill Savings bank,' in the city of New York."

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to correct abuses in the city of New York in the relaying of pavements by property owners and others whenever a portion of the pavement is temporarily removed," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to correct an error in the assessment of taxes in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from Robert D. Holmes, one of the commissioners of excise of the city and county of New York, in reply to the resolution of the Senate as to the number of licenses granted by them in said city, the amount received therefor, and the number of suits pending in relation thereto, which was laid on the table and ordered printed.

(See Doc. No. .)

Mr. Bell gave notice that he would, at an early day, ask leave to introduce a bill to encourage investment in small sums, by the people of this State, in the stocks of this State.

The bill entitled "An act in relation to superintendents of the poor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Murphy	Smith
Angel	Connolly	Hutchinson	Prun	Tobey
Bailey	Farrar	Little	Ramsey	Willard
Bell	Freer	Low	Richards	Young
Bradley	Ganson	Montgomery	Sanford	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Truman moved to take from the table the motion to reconsider the vote on the bill entitled "An act in relation to the Susquehanna Seminary at Binghamton."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.



The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Cook	Low	Pruyn	Sanford
Angel	Farrar	Montgomery	Ramsey	Smith
Bradley	Freer	Munroe	Richards	Truman
Clark	Hutchinson	Murphy	Robertson	Willard
Connolly	Little			

22

**FOR THE NEGATIVE.**

Bailey	Folger	Hardin	Tobey	Young
Bell	Ganson			

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county," having been announced—

Mr. Truman moved to recommit said bill to the committee on internal affairs of towns and counties, with instructions to amend by inserting in line 5, section 2, engrossed bill, after the word "county," the words "in some county building," and report the same back to the Senate forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The bill entitled "An act to incorporate the New York Commercial Association," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Bailey	Cook	Hardin	Pruyn	Sanford
Bell	Cornell	Low	Ramsey	Smith
Bradley	Farrar	Montgomery	Richards	Willard
Clark	Freer	Munroe	Robertson	Young
Connolly	Ganson	Murphy		

23

**FOR THE NEGATIVE.**

Angel	Hutchinson	Tobey
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3

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was recommitted the bill entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county," with power to report complete, reported the same complete, amended as directed by the Senate, which report was agreed to and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Freer	Pruyn	Sanford
Angel	Cornell	Ganson	Ramsey	Smith
Bradley	Farrar	Murphy	Robertson	Willard
Clark				

16

## FOR THE NEGATIVE.

Bailey	Folger	Hutchinson	Montgomery	Tobey	
Bell	Hardin	Low	Richards	Young	
Cook					11

Mr. Pruyn moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Ramsey	Smith	
Angel	Farrar	Montgomery	Richards	Willard	
Clark	Folger	Munroe	Robertson	Woodruff	
Connolly	Ganson	Murphy	Sanford		19

## FOR THE NEGATIVE.

Bailey	Cook	Hardin	Tobey	Young	
Bell	Freer	Hutchinson			8

The bill entitled "An act to release the interest of the State in certain land lying outside of high water mark, in Kings county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, two-thirds of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Ganson	Pruyn	Sanford	
Angel	Farrar	Low	Ramsey	Willard	
Clark	Folger	Munroe	Richards	Woodruff	
Connolly	Freer	Murphy	Robertson	Young	20

## FOR THE NEGATIVE.

Bell	Hutchinson	Montgomery	Smith	Tobey	5
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The Assembly bill entitled "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district No. 4, in the town of Greene, Chenango county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Montgomery	Robertson	
Angel	Cook	Ganson	Murphy	Smith	
Bell	Cornell	Hardin	Pruyn	Tobey	
Bradley	Farrar	Hutchinson	Ramsey	Woodruff	
Clark	Folger	Little	Richards	Young	25

*Ordered,* That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to amend section 36 of article 2, title 10, of chapter 8, of the 3d part of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Murphy	Smith	
Angel	Farrar	Hutchinson	Pruyn	Tobey	
Bailey	Folger	Low	Ramsey	Willard	

Bell	Freer	Montgomery	Richards	Woodruff	
Clark	Ganson	Munroe	Sanford	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the Knickerbocker Life Insurance company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith	
Angel	Farrar	Low	Ramsey	Tobey	
Bailey	Folger	Montgomery	Richards	Willard	
Bell	Freer	Munroe	Robertson	Woodruff	
Clark	Hardin	Murphy	Sanford	Young	
Connolly	Hutchinson				27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act relative to the printing of the calendars of causes in the several courts of record in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Munroe	Sanford	
Angel	Farrar	Hutchinson	Murphy	Smith	
Bailey	Folger	Little	Ramsey	Tobey	
Bradley	Freer	Low	Richards	Willard	
Clark	Ganson	Montgomery	Robertson	Young	
Connolly					26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of the Sable Iron company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Montgomery	Sanford	
Angel	Connolly	Ganson	Munroe	Tobey	
Bailey	Cook	Hardin	Murphy	Willard	
Bell	Cornell	Low	Richards	Young	
Bradley	Farrar				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to change the name of Jeremiah Truman Brown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Folger	Montgomery	Sanford	
Angel	Cook	Hardin	Murphy	Smith	

Bailey	Cornell	Hutchinson	Pruyn	Young	
Clark	Farrar	Low	Richards		10

FOR THE NEGATIVE.

Bell	Tobey				2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 8 of article 7 of the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith	
Angel	Cornell	Hutchinson	Ramsey	Tobey	
Bailey	Farrar	Montgomery	Richards	Willard	
Bell	Folger	Munroe	Robertson	Woodruff	
Clark	Ganson	Murphy	Sanford	Young	
Connolly					26

FOR THE NEGATIVE.

Bradley	Low				2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the sale and conveyance of the interest of the infant heirs of William C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Munroe	Sanford	
Angel	Cook	Hardin	Murphy	Tobey	
Bailey	Cornell	Hutchinson	Pruyn	Willard	
Bell	Farrar	Low	Richards	Woodruff	
Bradley	Folger	Montgomery	Robertson	Young	26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Tobey	
Angel	Cook	Low	Richards	Willard	
Bailey	Farrar	Montgomery	Robertson	Woodruff	
Bell	Folger	Munroe	Sanford	Young	
Bradley	Hardin	Murphy			28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Farrar	Munroe	Sanford
Angel	Connolly	Hardin	Murphy	Willard
Bailey	Cook	Hutchinson	Ramsey	Woodruff
Bell	Cornell	Montgomery	Robertson	19

## FOR THE NEGATIVE.

Folger	Ganson	Young	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act incorporating a permanent library association for Masonic and kindred works, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Pruyn	Sanford
Bailey	Farrar	Montgomery	Richards	Willard
Bell	Folger	Munroe	Robertson	Woodruff
Connolly	Hardin	Murphy		18

## FOR THE NEGATIVE.

Angel	Ganson	Tobey	Young	4
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson
Angel	Cornell	Hutchinson	Murphy	Sanford
Bailey	Farrar	Low	Ramsey	Willard
Bell	Ganson	Montgomery	Richards	Young
Connolly				21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Ramsey	Smith
Angel	Farrar	Low	Richards	Tobey
Bailey	Folger	Montgomery	Robertson	Truman
Bell	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to change the name of 'The Rose Hill Savings bank,' in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Smith
Angel	Cook	Hardin	Murphy	Tobey
Bailey	Cornell	Low	Richards	Truman
Bell	Farrar	Montgomery	Sanford	Young
Bradley	Folger			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Canandaigua Walton Club," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford
Bailey	Cornell	Hutchinson	Prayn	Smith
Bradley	Farrar	Low	Ramsey	Tobey
Clark	Folger	Montgomery	Richards	Truman
Connolly	Ganson	Munroe	Robertson	Young

25

FOR THE NEGATIVE.

Angel

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the taking of tolls upon the Geneva and Rushville plankroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Murphy	Robertson
Angel	Connolly	Hardin	Prayn	Smith
Bailey	Cook	Hutchinson	Ramsey	Truman
Bell	Farrar	Montgomery	Richards	Young
Bradley	Folger	Munroe		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to repeal chapter 789 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Munroe	Richards	Tobey
Bailey	Cook	Murphy	Robertson	Truman
Bell	Little	Prun	Sanford	Young
Clark	Montgomery	Ramsey	Smith	

19

FOR THE NEGATIVE.

Folger	Low			
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a part of their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Murphy	Sanford
Bailey	Farrar	Low	Prun	Tobey
Bell	Folger	Montgomery	Ramsey	Truman
Clark	Hardin	Munroe	Richards	Young
Connolly	Hutchinson			

22

FOR THE NEGATIVE.

Angel				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Richards moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows.

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Sanford
Angel	Cook	Little	Prun	Smith
Bell	Folger	Low	Richards	Truman
Bradley	Hardin	Munroe	Robertson	Young
Clark				

21

FOR THE NEGATIVE.

Bailey	Farrar	Ganson		
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3

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE

Abbott	Clark	Folger	Low	Richards
Angel	Connolly	Hardin	Munroe	Robertson
Bell	Cook	Hutchinson	Murphy	Sanford
Bradley	Cornell	Little	Prun	

19

FOR THE NEGATIVE.

Bailey	Ganson	Ramsey	Truman	Young
Farrar	Montgomery			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Pruyn moved to take from the table the question of concurrence in the Assembly amendments to the bill entitled "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Pruyn moved to concur in said amendments, with the following further amendments:

Add at the end of the third section of the bill, as amended by the Assembly, the following:

"Nor shall such company cross or run over or upon the track of the New York Central railroad company unless upon terms to be agreed upon between the two companies; and in case of disagreement between them such terms shall be settled and determined on due notice to both parties, by the Supreme Court of the third district, at special term."

In the written amendment to the printed bill, as passed by the Assembly, after the word "shall," insert the words "have the right and power to."

Same written amendment, after the word "thereof," in last line below, insert "for a distance not exceeding in all one mile from their main road."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Montgomery	Richards
Angel	Cook	Hardin	Munroe	Sanford
Bailey	Cornell	Hutchinson	Murphy	Smith
Bell	Farrar	Little	Pruyn	Tobey
Bradley	Folger	Low	Ramsey	Young
Clark				

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, with further amendments.

Mr. Pruyn moved to take from the table the motion to reconsider the vote on the bill entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Bell moved to recommit said bill to the committee on internal affairs of towns and counties, with instructions to amend by striking out the words "three thousand" and inserting in lieu thereof the words "fifteen hundred."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bailey	Cook	Hutchinson	Richards	Tobey
Bell	Hardin			

7



## FOR THE NEGATIVE.

Abbott	Cornell	Montgomery	Robertson	Willard
Bradley	Folger	Munroe	Sanford	Woodruff
Clerk	Freer	Murphy	Smith	Young
Connolly	Little	Ramsey	Truman	

19

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Ramsey	Smith
Angel	Cornell	Little	Robertson	Willard
Bradley	Farrar	Murphy	Sanford	Woodruff
Clark	Freer	Prynn		

18

## FOR THE NEGATIVE.

Bailey	Folger	Low	Richards	Truman
Bell	Hardin	Munroe	Tobey	Young
Cook	Hutchinson			

12

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hutchinson called for the consideration of the following resolution from the Canal Board, in relation to the reduction of tolls on certain articles named therein:

*Resolved*, That, if the honorable Legislature concur, the rates of toll on the following named articles per thousand pounds per mile be reduced as follows: On cabinet ware and chairs, from four to three mills; on carts, carriages, wagons, sleighs, drill barrows, fanning mills, plows, harrows, mowing, reaping and thrashing machines, looking glasses, willow ware, mattresses, piano fortes, and tile for roofing, from four to two mills.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Murphy	Smith
Angel	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Low	Richards	Truman
Bell	Ganson	Montgomery	Robertson	Willard
Clark	Hardin	Munroe	Sanford	Young
Connolly				

26

*Ordered*, That the Clerk deliver said resolution to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize Paul Bresson to take, hold and convey real estate in the city of New York."

"An act for the relief of the Ulster and Delaware plankroad company."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to limit the compensation of the members of the boards of supervisors of the counties of Monroe and Niagara," with a message that they had concurred in the further amendment of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

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### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being claim bills on the general orders, entitled as follows :

"An act to authorize the payment of interest on certain canal drafts protested for non-payment."

"An act for the relief of Patrick Colwell."

"An act for the relief of Hawley, Waldron and company."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Bailey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows :

"An act for the relief of William Monteath."

"An act for the relief of Francis M. McFarlin and others."

"An act for the relief of Leonard Van Derkar."

After some time spent therein, the President resumed the chair, and Mr. Hardin, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that said bill be made the special order for Friday evening next, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows :

Assembly, "An act in relation to the claim of S. & J. M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river at the village of Seneca Falls."

"An act authorizing the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast, in the county of Allegany."

"An act for the relief of Frederick D. Van Wagenen."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Hutchinson presented a remonstrance of citizens of Orleans county, against uniting said county with Monroe in the Congressional apportionment, which was referred to the committee of the whole.

The Assembly returned the bill entitled "An act to provide for taxing dogs and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," with a message that they insist upon their amendments to said bill, and ask for a committee of conference, and appoint on their part as such committee, Messrs. E. Cornell, Cowles, Green, Haring and Springer.

Mr. Hutchinson moved that the Senate consent to the appointment of a committee of conference on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate adjourned.

### SATURDAY, MARCH 29, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia."

"An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road."

Also the following Assembly bills:

"An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843."

"An act to authorize the election of three superintendents of the poor in the county of Genesee."

"An act in relation to the support and custody of indigent insane persons of the county of Genesee."

"An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river at a place called Fink's at the foot of Fall Hill, in the town of Danube."

"An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1849."

"An act in relation to John Lent's cemetery."

"An act to correct an error in the assessment of taxes in the city of Brooklyn."

"An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,' passed April 13, 1849."

"An act in relation to the compensation of the superintendent of common schools in the city of Utica."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Truman presented a remonstrance of trustees and citizens of Binghamton, against the proposed amendments to the charter of said village, which was referred to the committee of the whole.

Mr. Ramsey presented four petitions of tax payers of said village, in favor of the same, which were referred to the committee of the whole.

Also a remonstrance of A. C. Paige and others, members of the Schenectady Insurance company, against the repeal of their charter, which was referred to the committee of the whole.

Mr. Sanford presented a remonstrance of citizens of Oswego, against imposing canal tolls upon property transported over the Oneida Lake, which was read and referred to the committee on canals.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the election of three superintendents of the poor in the county of Genesee," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the auditing of accounts by the board of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,'" reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the compensation of the superintendent of common schools in the city of Utica," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river, at a place called Fink's, at the foot of Fall Hill, in the town of Danube," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1859," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Connolly, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Elmira to erect bridges over the Chemung canal, in said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to John Lent's cemetery," with power to report complete, reported the same

Bell	Freer	Montgomery	Richards	Woodruff	
Clark	Ganson	Munroe	Sanford	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the charter of the Knickerbocker Life Insurance company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith	
Angel	Farrar	Low	Ramsey	Tobey	
Bailey	Folger	Montgomery	Richards	Willard	
Bell	Freer	Munroe	Robertson	Woodruff	
Clark	Hardin	Murphy	Sanford	Young	
Connolly	Hutchinson				27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act relative to the printing of the calendars of causes in the several courts of record in this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Munroe	Sanford	
Angel	Farrar	Hutchinson	Murphy	Smith	
Bailey	Folger	Little	Ramsey	Tobey	
Bradley	Freer	Low	Richards	Willard	
Clark	Ganson	Montgomery	Robertson	Young	
Connolly					26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of the Sable Iron company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Montgomery	Sanford	
Angel	Connolly	Ganson	Munroe	Tobey	
Bailey	Cook	Hardin	Murphy	Willard	
Bell	Cornell	Low	Richards	Young	
Bradley	Farrar				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to change the name of Jeremiah Truman Brown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Folger	Montgomery	Sanford
Angel	Cook	Hardin	Murphy	Smith

Bailey Clark	Cornell Farrar	Hutchinson Low	Pruyn Richards	Young	19
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FOR THE NEGATIVE.

Bell	Tobey	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 3 of article 7 of the Constitution," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith	
Angel	Cornell	Hutchinson	Ramsey	Tobey	
Bailey	Farrar	Montgomery	Richards	Willard	
Bell	Folger	Munroe	Robertson	Woodruff	
Clark	Ganson	Murphy	Sanford	Young	
Connolly					26

FOR THE NEGATIVE.

Bradley	Low	2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the sale and conveyance of the interest of the infant heirs of William C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Munroe	Sanford	
Angel	Cook	Hardin	Murphy	Tobey	
Bailey	Cornell	Hutchinson	Pruyn	Willard	
Bell	Farrar	Low	Richards	Woodruff	
Bradley	Folger	Montgomery	Robertson	Young	28

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Tobey	
Angel	Cook	Low	Richards	Willard	
Bailey	Farrar	Montgomery	Robertson	Woodruff	
Bell	Folger	Munroe	Sanford	Young	
Bradley	Hardin	Murphy			28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Farrar	Munroe	Sanford
Angel	Connolly	Hardin	Murphy	Willard
Bailey	Cook	Hutchinson	Ramsey	Woodruff
Bell	Cornell	Montgomery	Robertson	

19

FOR THE NEGATIVE.

Folger	Ganson	Young	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act incorporating a permanent library association for Masonic and kindred works, in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Low	Pruyn	Sanford
Bailey	Farrar	Montgomery	Richards	Willard
Bell	Folger	Munroe	Robertson	Woodruff
Connolly	Hardin	Murphy		

18

FOR THE NEGATIVE.

Angel	Ganson	Tobey	Young	4
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Robertson
Angel	Cornell	Hutchinson	Murphy	Sanford
Bailey	Farrar	Low	Ramsey	Willard
Bell	Ganson	Montgomery	Richards	Young

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Ramsey	Smith
Angel	Farrar	Low	Richards	Tobey
Bailey	Folger	Montgomery	Robertson	Truman
Bell	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy		

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to change the name of 'The Rose Hill Savings bank,' in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Smith
Angel	Cook	Hardin	Murphy	Tobey
Bailey	Cornell	Low	Richards	Truman
Bell	Farrar	Montgomery	Sanford	Young
Bradley	Folger			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Canandaigua Walton Club," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford
Bailey	Cornell	Hutchinson	Prayn	Smith
Bradley	Farrar	Low	Ramsey	Tobey
Clark	Folger	Montgomery	Richards	Truman
Connolly	Ganson	Munroe	Robertson	Young

25

FOR THE NEGATIVE.

Angel	
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1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to regulate the taking of tolls upon the Geneva and Rushville plankroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Murphy	Robertson
Angel	Connolly	Hardin	Prayn	Smith
Bailey	Cook	Hutchinson	Ramsey	Truman
Bell	Farrar	Montgomery	Richards	Young
Bradley	Folger	Munroe		

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



The bill entitled "An act to repeal chapter 789 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Munroe	Richards	Tobey
Bailey	Cook	Murphy	Robertson	Truman
Bell	Little	Pruyn	Sanford	Young
Clark	Montgomery	Ramsey	Smith	

19

FOR THE NEGATIVE.

Folger	Low			
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a part of their road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Murphy	Sanford
Bailey	Farrar	Low	Pruyn	Tobey
Bell	Folger	Montgomery	Ramsey	Truman
Clark	Hardin	Munroe	Richards	Young
Connolly	Hutchinson			

22

FOR THE NEGATIVE.

Angel				
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1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Richards moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows.

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Sanford
Angel	Cook	Little	Pruyn	Smith
Bell	Folger	Low	Richards	Truman
Bradley	Hardin	Munroe	Robertson	Young
Clark				

21

FOR THE NEGATIVE.

Bailey	Farrar	Ganson		
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3

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE

Abbott	Clark	Folger	Low	Richards
Angel	Connolly	Hardin	Munroe	Robertson
Bell	Cook	Hutchinson	Murphy	Sanford
Bradley	Cornell	Little	Pruyn	

19

FOR THE NEGATIVE.

Bailey	Ganson	Ramsey	Truman	Young
Farrar	Montgomery			

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Pruyn moved to take from the table the question of concurrence in the Assembly amendments to the bill entitled "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

Mr. Pruyn moved to concur in said amendments, with the following further amendments:

Add at the end of the third section of the bill, as amended by the Assembly, the following:

"Nor shall such company cross or run over or upon the track of the New York Central railroad company unless upon terms to be agreed upon between the two companies; and in case of disagreement between them such terms shall be settled and determined on due notice to both parties, by the Supreme Court of the third district, at special term."

In the written amendment to the printed bill, as passed by the Assembly, after the word "shall," insert the words "have the right and power to."

Same written amendment, after the word "thereof," in last line below, insert "for a distance not exceeding in all one mile from their main road."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Montgomery	Richards
Angel	Cook	Hardin	Munroe	Sanford
Bailey	Cornell	Hutchinson	Murphy	Smith
Bell	Farrar	Little	Pruyn	Tobey
Bradley	Folger	Low	Ramsey	Young
Clark				

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, with further amendments.

Mr. Pruyn moved to take from the table the motion to reconsider the vote on the bill entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Bell moved to recommit said bill to the committee on internal affairs of towns and counties, with instructions to amend by striking out the words "three thousand" and inserting in lieu thereof the words "fifteen hundred."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bailey	Cook	Hutchinson	Richards	Tobey
Bell	Hardin			

7

## FOR THE NEGATIVE.

Abbott	Cornell	Montgomery	Robertson	Willard
Bradley	Folger	Munroe	Sanford	Woodruff
Clark	Freer	Murphy	Smith	Young
Connolly	Little	Ramsey	Truman	

19

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Ramsey	Smith
Angel	Cornell	Little	Robertson	Willard
Bradley	Farrar	Murphy	Sanford	Woodruff
Clark	Freer	Pruyn		

18

## FOR THE NEGATIVE.

Bailey	Folger	Low	Richards	Truman
Bell	Hardin	Munroe	Tobey	Young
Cook	Hutchinson			

12

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Hutchinson called for the consideration of the following resolution from the Canal Board, in relation to the reduction of tolls on certain articles named therein:

*Resolved*, That, if the honorable Legislature concur, the rates of toll on the following named articles per thousand pounds per mile be reduced as follows: On cabinet ware and chairs, from four to three mills; on carts, carriages, wagons, sleighs, drill barrows, fanning mills, plows, harrows, mowing, reaping and thrashing machines, looking glasses, willow ware, mattresses, piano fortes, and tile for roofing, from four to two mills.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Murphy	Smith
Angel	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Low	Richards	Truman
Bell	Ganson	Montgomery	Robertson	Willard
Clark	Hardin	Munroe	Sanford	Young
Connolly				

26

*Ordered*, That the Clerk deliver said resolution to the Assembly, with a message informing that the Senate have passed the same, without amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to authorize Paul Bresson to take, hold and convey real estate in the city of New York."

"An act for the relief of the Ulster and Delaware plankroad company."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the bill entitled "An act to limit the compensation of the members of the boards of supervisors of the counties of Monroe and Niagara," with a message that they had concurred in the further amendment of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

### SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being claim bills on the general orders, entitled as follows :

"An act to authorize the payment of interest on certain canal drafts protested for non-payment."

"An act for the relief of Patrick Colwell."

"An act for the relief of Hawley, Waldron and company."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Bailey, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows :

"An act for the relief of William Monteath."

"An act for the relief of Francis M. McFarlin and others."

"An act for the relief of Leonard Van Derkar."

After some time spent therein, the President resumed the chair, and Mr. Hardin, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Murphy moved that said bill be made the special order for Friday evening next, at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows :

Assembly, "An act in relation to the claim of S. & J. M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river at the village of Seneca Falls."

"An act authorizing the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast, in the county of Allegany."

"An act for the relief of Frederick D. Van Wagenen."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

Mr. Hutchinson presented a remonstrance of citizens of Orleans county, against uniting said county with Monroe in the Congressional apportionment, which was referred to the committee of the whole.

The Assembly returned the bill entitled "An act to provide for taxing dogs and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," with a message that they insist upon their amendments to said bill, and ask for a committee of conference, and appoint on their part as such committee, Messrs. E. Cornell, Cowles, Green, Haring and Springer.

Mr. Hutchinson moved that the Senate consent to the appointment of a committee of conference on said bill.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate adjourned.

### SATURDAY, MARCH 29, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Halley.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia."

"An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road."

Also the following Assembly bills:

"An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843."

"An act to authorize the election of three superintendents of the poor in the county of Genesee."

"An act in relation to the support and custody of indigent insane persons of the county of Genesee."

"An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river at a place called Fink's at the foot of Fall Hill, in the town of Danube."

"An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1849."

"An act in relation to John Lent's cemetery."

"An act to correct an error in the assessment of taxes in the city of Brooklyn."

"An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,' passed April 13, 1849."

"An act in relation to the compensation of the superintendent of common schools in the city of Utica."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Truman presented a remonstrance of trustees and citizens of Binghamton, against the proposed amendments to the charter of said village, which was referred to the committee of the whole.

Mr. Ramsey presented four petitions of tax payers of said village, in favor of the same, which were referred to the committee of the whole.

Also a remonstrance of A. C. Paige and others, members of the Schenectady Insurance company, against the repeal of their charter, which was referred to the committee of the whole.

Mr. Sanford presented a remonstrance of citizens of Oswego, against imposing canal tolls upon property transported over the Oneida Lake, which was read and referred to the committee on canals.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize the election of three superintendents of the poor in the county of Genesee," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the auditing of accounts by the board of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,'" reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act in relation to the compensation of the superintendent of common schools in the city of Utica," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the bill entitled "An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river, at a place called Fink's, at the foot of Fall Hill, in the town of Danube," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1859," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Connolly, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Elmira to erect bridges over the Chemung canal, in said village," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to John Lent's cemetery," with power to report complete, reported the same

complete, which report was agreed to and said bill ordered to a third reading.

Mr. Freer, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the support and custody of indigent insane persons of the county of Genesee," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the petition of David A. Fowler for relief or compensation as deputy clerk of Supreme Court, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing the interests of the State in certain surplus moneys to Frederick Krutina," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal certain sections of chapter 230 of the Laws of 1843," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of this State in certain land whereof John Johnson died seized, to John Johnson and James Johnson," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to empower St. Patrick's Lodge No. 4 of Free and Accepted Masons in the village of Johnstown, to take, hold and convey real estate and personal property," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized to his widow, Catharine Laville," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize Joseph Bargagli to take, hold and convey real estate," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour

S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of his conviction shall not be used as evidence in the courts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Mrs. Caldwell," reported that they have made sundry amendments thereto, and amended the title as follows: "An act for the relief of Susan Caldwell," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend sections 1st and 2d, title 2d, chapter 10 of part 8d of the Revised Statutes, and section 3 of chapter 390 of the Laws of 1847," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to provide for the election of a police constable in the village of Silver Creek," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to correct an error in the assessment of taxes in the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Richards, from the committee on agriculture, to which was referred the bill entitled "An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows:

"An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the sinking fund, under section 8 of article 7 of the Constitution."

"An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county."

"An act to regulate the taking of tolls upon the Geneva and Rushville plank road."



"An act in relation to superintendents of poor."

And as correctly engrossed :

"An act to authorize the payment of interest on certain canal drafts protested for non-payment."

"An act to authorize the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast, in the county of Allegany."

"An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others whenever a portion of the pavement is temporarily removed."

"An act to amend chapter 505 of the Laws of 1860."

"An act for the relief of Hawley, Waldron and company."

"An act for the relief of Patrick Colwell."

"An act for the relief of Frederick D. Van Wagenen."

The President announced as the committee of conference on the part of the Senate, on the bill relating to the taxation of dogs—Messrs. Hutchinson, Richards and Murphy.

The President presented a communication from W. Jay Haskett, one of the commissioners of excise of the city and county of New York, in reply to the resolution of the Senate as to the number of licenses granted in said city, the amount received therefor, and the number of suits pending in relation thereto, which was laid on the table and ordered printed.

(See Doc. No. 86.)

In pursuance of previous notice, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to encourage the investment, in small sums, by the people of this State, in the stocks of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The Assembly bill entitled "An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10, 1861, and the appointment of commissioners therefor," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Ramsey	Smith
Bailey	Folger	Low	Richards	Truman
Bradley	Freer	Montgomery	Robertson	Willard
Clark	Hardin	Munroe	Sanford	Young
Connolly	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Ramsey	Smith
Bailey	Farrar	Little	Richards	Truman

Bell	Folger	Montgomery	Robertson	Willard	
Bradley	Freer	Munroe	Sanford	Young	
Clark	Hardin	Murphy			25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The third reading of the Assembly bill entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," having been announced—

Mr. Ganson moved to recommit said bill to the committee on internal affairs of towns and counties, and that when reported it retain its place on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act requiring the highway tax of the New York Central railroad company through the town of Mentz to be applied to the repairs of certain highways in the said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Munroe	Sanford	
Bailey	Folger	Little	Murphy	Smith	
Bradley	Freer	Low	Ramsey	Truman	
Clark	Ganson	Montgomery	Richards	Willard	
Connolly					21

FOR THE NEGATIVE.

Young					1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to incorporate Knickerbocker Fire Engine company No. 1, at Rockland Lake, in the town of Clarkstown, in the county of Rockland and State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Murphy	Sanford	
Bailey	Freer	Low	Prugn	Truman	
Bradley	Ganson	Montgomery	Richards	Willard	
Clark	Hardin	Munroe	Robertson	Young	
Connolly	Hutchinson				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Freer	Low	Pruyn	Smith
Bradley	Ganson	Montgomery	Richards	Truman
Clark	Hardin	Munroe	Robertson	Willard
Connolly	Little	Murphy	Sanford	Young
Farrar				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron and to authorize the corporation to elect nine trustees," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Freer	Low	Pruyn	Smith
Bradley	Ganson	Montgomery	Richards	Truman
Clark	Hardin	Munroe	Robertson	Willard
Connolly	Little	Murphy	Sanford	Young
Farrar				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend chapter 505 of the Laws of 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bailey	Folger	Low	Ramsey	Smith
Bradley	Freer	Montgomery	Richards	Truman
Clark	Ganson	Munroe	Robertson	Willard
Connolly	Hardin	Murphy	Sanford	Young
Farrar	Little	Pruyn		

23

## FOR THE NEGATIVE.

Angel

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to correct abuses in the city of New York, in the relaying of pavements by property owners and others whenever a portion of the pavement is temporarily removed," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Sanford
Bailey	Folger	Low	Ramsey	Smith
Bradley	Freer	Montgomery	Richards	Willard
Clark	Ganson	Munroe	Robertson	Young
Connolly	Hardin	Murphy		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," having been announced—

Mr. Bell moved to recommit said bill to the committee on railroads, with instructions to amend by striking out the second section.

The President then put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bell	Hutchinson	Low	Robertson	Smith	6
Folger					

FOR THE NEGATIVE.

Angel	Connolly	Hardin	Pruyn	Truman	
Bailey	Farrar	Little	Ramsey	Willard	
Bradley	Freer	Munroe	Sanford	Young	
Clark	Ganson	Murphy			18

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Truman	
Bradley	Freer	Montgomery	Ramsey	Willard	
Clark	Ganson	Munroe	Sanford	Young	
Connolly	Hardin	Murphy	Smith		19

FOR THE NEGATIVE.

Bailey	Folger	Hutchinson	Low	Robertson	6
Bell					

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Robertson	Truman	
Bailey	Folger	Montgomery	Sanford	Willard	
Clark	Ganson	Munroe	Smith	Young	
Connolly	Hardin	Ramsey			18

FOR THE NEGATIVE.

Bradley	Low	Murphy	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Patrick Colwell, was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Smith	
Bailey	Folger	Montgomery	Ramsey	Truman	
Bradley	Freer	Munroe	Robertson	Willard	
Clark	Ganson	Murphy	Sanford	Young	
Connolly	Hutchinson				22

FOR THE NEGATIVE.

Hardin	Low	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Hawley, Waldron and company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Murphy	Smith
Bailey	Folger	Little	Ramsey	Truman
Bradley	Freer	Montgomery	Robertson	Willard
Clark	Ganson	Munroe	Sanford	Young
Connolly	Hardin			

22

FOR THE NEGATIVE.

Low

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Francis M. McFarlin and others," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Montgomery	Sanford
Bradley	Folger	Hutchinson	Munroe	Truman
Clark	Freer	Little	Ramsey	Willard
Connolly	Ganson	Low	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Leonard Van Derkar," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Murphy	Sanford
Bailey	Folger	Hutchinson	Pryun	Truman
Bradley	Freer	Little	Ramsey	Willard
Connolly	Ganson	Munroe	Robertson	Young

20

FOR THE NEGATIVE.

Low

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act in relation to the claim of Squire and John M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river at the village of Seneca Falls," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Pruyn	Truman
Bailey	Folger	Montgomery	Ramsey	Willard
Bradley	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy	Smith	19

FOR THE NEGATIVE.

Bell	Low	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act authorizing the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast, in the county of Allegany," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Munroe	Smith
Bailey	Folger	Hutchinson	Pruyn	Truman
Bell	Freer	Little	Ramsey	Willard
Connolly	Ganson	Montgomery	Sanford	Young
				20

FOR THE NEGATIVE.

Low	1
-----	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Frederick D. Van Wagenen," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Freer	Little	Pruyn	Smith
Bailey	Ganson	Montgomery	Ramsey	Truman
Connolly	Hardin	Munroe	Richards	Willard
Farrar	Hutchinson	Murphy	Sanford	Young
				20

FOR THE NEGATIVE.

Low	1
-----	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act for the relief of Horace Allen."

"An act providing for the settlement of the claim of Squire Whipple for the use of his Patent Iron Truss Bridges on the canals of this State."

"An act to provide for the payment of work done and materials furnished on superintendent's section No. 12 of the Erie canal."

"An act to facilitate the construction of the Adirondac railroad."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Bell moved that the bill entitled "An act to amend an act entitled 'An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the bill entitled "An act relative to documentary evidence," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the Assembly bill entitled "An act enabling the Tompkins County Agricultural and Horticultural Society to draw their proportion of the moneys devoted to agricultural purposes from the State Treasury," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Willard offered the following resolution :

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the Constitution of this State, to be added to the sixth article as section 26, to wit :

The Legislature shall have power to organize a commission of not more than five persons, to be appointed by the Governor with the assent of the Senate, whose duty it shall be to hear and determine all such causes as now are or hereafter may be depending in the Court of Appeals, and as may be referred to them by the said court. The Legislature shall make suitable provision for paying to such commissioners a reasonable compensation for their services, and for defraying the expenses of the said commission; and may at any time modify or repeal such organization.

*Resolved*, (if the Assembly concur,) That the foregoing amendment, be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolution be laid on the table.

Mr. Smith moved that the bill entitled "An act to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads with hospital accommodations," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Farrar moved that the bill entitled "An act to amend chapter 427 of the Laws of 1855," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment :

"An act for the relief of Edward S. Dixon, heretofore elected a justice of the peace of the town of Seneca, in the county of Ontario."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Truman called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature of the State of New York approve the message of President Lincoln offering the co-

operation of the Government of the United States in any movement which may be initiated in the slaveholding States for the abolishment of slavery, and that our Senators and Representatives in Congress are earnestly requested to use their influence and cast their votes so as to secure such abolishment.

Mr. Truman moved that said resolution be made the special order for Wednesday evening next at 7 o'clock, and that the Senate hold a session on that evening for that purpose, and that said resolution, together with the message of the President of the United States to which it refers, be printed.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Little offered the following resolution :

*Resolved*, That a respectful message be sent to the honorable the Assembly requesting that Senate bill No. 31, entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county," be returned to the Senate.

Pending the question on the adoption of said resolution, the hour of fifteen minutes to two having arrived, the President announced that the Senate would stand adjourned until Monday morning at 11 o'clock.

## MONDAY, MARCH 31, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Goss.

The journal of Saturday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit :

"An act to authorize the trustees of the village of Elmira to erect a bridge over the Chemung canal in said village."

"An act for the relief of Susan Caldwell."

"An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized to his widow, Catharine Laville."

"An act to empower St. Patrick's Lodge No. 4 of Free and Accepted Masons, in the village of Johnstown, to take, hold and convey real estate and personal property."

"An act to incorporate the Newburgh Home for the Friendless."

"An act releasing the interests of the State in certain surplus moneys to Frederick Krutina."

"An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of his conviction shall not be used as evidence in the courts."

"An act to authorize Josephine Bargagli to take, hold and convey real estate."

"An act to release the interest of the people of this State in certain land whereof John Johnson died seized, to John Johnson and James Johnson."

"An act to provide for the election of a police constable in the village of Silver Creek."



"An act to incorporate the Tompkinsville Fire Police company, of the village of Tompkinsville, town of Castleton, Richmond county."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Smith presented a petition of the mayor, aldermen and citizens of Jersey city, New Jersey, in relation to the Metropolitan health bill, which was read and referred to the committee on commerce and navigation.

Also a petition of the physicians of the dispensaries of the city of New York, on the same subject, which was read and referred to the committee on commerce and navigation.

Mr. Folger presented a petition of officers of Life Insurance companies in New York and Brooklyn, on same subject, which was read and referred to the committee on commerce and navigation.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Newburgh Home for the Friendless," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Bell, from the committee on finance, to which was recommitted the bill entitled "An act to encourage investment in small sums by the people of this State, in the stocks of the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the Tompkinsville Fire Police company, of the village of Tompkinsville, town of Castleton, Richmond county," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to provide for the election of a police constable in the village of Silver Creek," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act incorporating a permanent library association for Masonic and kindred works, in the city of New York."

"An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road."

"An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia."

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the people of this State, in certain land whereof John Johnson died seized, to John Johnson and James Johnson," with power to report complete, reported the same

complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize Josephine Bargagli to take, hold and convey real estate," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of his conviction shall not be used as evidence in the courts," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act releasing the interests of the State in certain surplus moneys to Frederick Krutina," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to empower St. Patrick's Lodge No. 4 of Free and Accepted Masons, in the village of Johnstown, to take, hold and convey real estate and personal property," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized to his widow, Catharine Laville," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Susan Caldwell," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

The Assembly sent for concurrence the following entitled bills:

"An act to repeal an act entitled 'An act to incorporate the Metropolitan Medical College of the city of New York,' passed March 28, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies.

"An act to consolidate the towns of Savona and Bath in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act in reference to highway labor in the village of Oneonta, Otsego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to the superintendents of the poor in the county of Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

"An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act to incorporate the society for the relief of poor widows with small children,' passed April 10, 1810," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend title 1, part 2, chapter 5, article 8, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the relief of Nathan B. Wheeler," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Angel, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to incorporate the New York Commercial Association."

The Assembly returned the bill entitled "An act for the protection of fish in the upper portion of the Niagara river," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out the word "fifteenth," in the 4th line of second section, engrossed bill, and insert the word "first."

Same section, 5th line, strike out the word "May," and insert the word "April."

Mr. Ganson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Montgomery	Robertson
Bailey	Farrar	Hutchinson	Murphy	Smith
Bell	Folger	Little	Pruyn	Willard
Bradley	Freer	Low	Ramsey	Young
Clark	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act to authorize the election of three superintendents of the poor in the county of Genesee," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Montgomery	Smith
Bailey	Farrar	Hutchinson	Pruyn	Truman
Bell	Folger	Little	Ramsey	Willard
Bradley	Freer	Low	Robertson	Young
Clark	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act in relation to the compensation of the superintendent of common schools in the city of Utica," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Montgomery	Robertson
Bailey	Farrar	Hutchinson	Murphy	Smith
Bell	Folger	Little	Pruyn	Willard
Bradley	Freer	Low	Ramsey	Young
Clark	Ganson			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to enable the commissioners of the Black river State road to re-levy certain taxes for the construction of said road," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Murphy	Smith
Bailey	Folger	Little	Pruyn	Truman
Bradley	Freer	Low	Ramsey	Willard
Clark	Ganson	Montgomery	Robertson	Young
Connolly	Hardin			

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river at a place called Fink's at the foot of Fall Hill, in the town of Danube," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Montgomery	Robertson
Bailey	Folger	Hutchinson	Murphy	Smith
Bradley	Freer	Little	Pruyn	Willard
Clark	Ganson	Low	Richards	Young
Connolly				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Montgomery	Smith
Bailey	Folger	Hutchinson	Pruyn	Truman
Bradley	Freer	Little	Richards	Willard
Clark	Ganson	Low	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act in relation to John Lent's cemetery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Montgomery	Smith
Bailey	Folger	Hutchinson	Pruyn	Truman
Bradley	Freer	Little	Richards	Willard
Clark	Ganson	Low	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act in relation to the support and custody of indigent insane persons of the county of Genesee," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Montgomery	Ramsey	Smith
Bailey	Hardin	Murphy	Richards	Willard
Clark	Hutchinson	Pruyn	Robertson	Young
Connolly	Little			

17

## FOR THE NEGATIVE.

Bailey	Folger	Freer	Ganson	Truman
--------	--------	-------	--------	--------

5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to correct an error in the assessment of taxes in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hardin	Murphy	Robertson
Bailey	Folger	Hutchinson	Pruyn	Smith
Bradley	Freer	Little	Ramsey	Willard
Clark	Ganson	Montgomery	Richards	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Pruya	Sanford
Bailey	Farrar	Little	Ramsey	Smith
Bradley	Freer	Montgomery	Sanford	Willard
Clark	Hardin	Murphy	Robertson	Young

20

FOR THE NEGATIVE.

Folger

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The order of business of motions and resolutions having been announced, the Senate resumed the consideration of the question pending at the hour of adjournment on Saturday, being on the adoption of the following resolution:

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting that Senate bill No. 31, entitled "An act to repeal chapter 52 of the Laws of 1860, in relation to the compensation of the county treasurer of Albany county," be returned to the Senate.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Bailey	Farrar	Hutchinson	Montgomery	Truman
Bell	Folger	Little	Richards	Young
Clark	Hardin	Low		

13

FOR THE NEGATIVE.

Angel	Freer	Murphy	Ramsey	Sanford
Bradley	Ganson	Pruya	Robertson	Willard
Connolly				

11

Mr. Willard called for the consideration of the following resolutions:

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the Constitution of this State, to be added to the sixth article as section 26, to wit:

The Legislature shall have power to organize a commission of not more than five persons, to be appointed by the Governor, with the assent of the Senate, whose duty it shall be to hear and determine all such causes as now are, or hereafter may be depending in the Court of Appeals, or as may be referred to them by the said court. The Legislature shall make suitable provision for paying such commissioners a reasonable compensation for their services, and for defraying the expenses of the said commission, and may at any time modify or repeal such organization.

*Resolved*, (if the Assembly concur,) That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

Mr. Bailey moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Folger moved that the two several bills entitled "An act to divide the State into Congressional districts," be made the special order for Wednesday next, immediately after executive session, and that the same

be continued as a special order each day thereafter at 12 o'clock noon, until disposed of.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the bill entitled "An act to authorize the discharge of mortgages of record in certain cases," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Freer moved that the bill entitled "An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved that the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Murphy moved that the bill entitled "An act for the relief of riparian owners entitled by law to grants of lands now or formerly covered with water, in front of the cities of Brooklyn and New York, and to extend to the Hudson and East river," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson moved that the bill entitled "An act to amend chapter 151 of the Laws of 1858, in relation to school district libraries," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Clark—

*Resolved*, That a respectful message be sent to the honorable the Assembly requesting that body to return to the Senate the Assembly bill entitled "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers."

Mr. Bradley moved that the bill entitled "An act to amend title 4, chapter 17, part 1st of the Revised Statutes, entitled 'Of hawkers and pedlers,'" be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger moved that the bill entitled "An act to provide for the selection of jurors in courts held by justices of the peace," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of adjournment on Friday, being the bills entitled as follows:

"An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal at Evans street, in the village of Geneva."

Assembly, "An act to amend an act entitled 'An act authorizing the Canal Commissioners to build a bridge over the Chenango canal in the city of Utica.'"

"An act to provide for schools in the almshouses in the several counties in the State."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Bailey, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Bailey, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would stand adjourned until to-morrow morning at 11 o'clock.

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## TUESDAY, APRIL 1, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Knight.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860."

"An act to authorize the Commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage."

"An act to authorize the construction of a bridge over the Allegany river on the Indian Reservation, in the town of Carrolton, in the county of Cattaraugus."

"An act to provide for the payment of the subsistence of volunteers for the service of the United States, raised in the county of Ontario."

Also the following entitled Assembly bills:

"An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county."



"An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Smith presented two petitions of physicians and citizens of New York and Brooklyn, in favor of the Metropolitan health bill, which were read and referred to the committee on commerce and navigation.

Mr. Cook presented a remonstrance of Abraham Garretson and other citizens of Staten Island, against the bill making separate road district in Castleton; Middletown and Southfield; also against providing landing places on the Battery in the city of New York; also against granting to Cornelius Vanderbilt pier No. 1, city of New York; also against conveying Quarantine grounds in Richmond county for public uses; also against the bill relating to superintendents of poor in Richmond county; which was read and referred to the committee on commerce and navigation.

Mr. Sanford presented two remonstrances, against imposing canal tolls on property passing over Oneida Lake, which were read and referred to the committee on canals.

Mr. Farrar presented a petition of Wm. Pitkin and others, trustees of Rochester city hospital, for an appropriation to that institution, which was read and referred to the committee on finance.

Mr. Young, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Allegany river on the Indian Reservation, in the town of Carrollton, in the county of Cattaraugus," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend an act to provide for the rebuilding the locks on the Oneida Lake canal," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the petition of John Sheridan, Peter Conway and James Slater, for relief, reported in writing, and adversely thereto.

Mr. Farrar moved that said report be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 84.)

Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Elmira to erect a bridge over the Chemung canal in said village," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Connolly, from the committee on canals, to which was referred the bill entitled "An act for the relief of Russel Martin and Theodore H. Luckey," reported that they have made sundry amendments thereto, and amended the title by adding thereto the following:—"Assignees of a contract to William McArthur, for the repairs of section No. 3, Genesee Valley canal," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the payment of the subsistence of

volunteers for the service of the United States, raised in the county of Ontario," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the Commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Munroe, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal at Evans street, in the village of Geneva."

A message was received and read from his Excellency the Governor, in the words following, to wit:

ALBANY, April 1, 1862.

*To the Senate:* I have received in official form and transmit herewith a copy of the joint resolutions of the Legislature of Maine, congratulating our brethren of the West upon the brilliant National victories achieved by their arms in the valley of the Mississippi.

E. D. MORGAN.

Said resolutions were laid on the table and ordered printed.

(See Doc. No. 85.)

A further message from his Excellency the Governor, was received and read, in the words following, to wit:

ALBANY, April 1, 1862.

*To the Senate:* I approved the bills bearing the following titles, at the dates respectively named:

March 8. "An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States and within this State on the first day of March, 1862."

- March 8. "An act to extend the time for the collection of taxes in the town of New Scotland."
8. "An act to amend the charter of the Republic Fire Insurance company."
8. "An act to release the interest of the people of the State of New York in certain land, to William Bircoury."
12. "An act to amend an act entitled 'An act to provide for the more speedy payment of the volunteers from this State, mustered into the service of the United States, and within this State on the 1st day of March, 1862,' passed March 8, 1862."
14. "An act to extend the time for the collection of taxes in the town of Queensbury, in the county of Warren."
15. "An act to legalize the levy and collection of a tax in the county of Tioga, to defray the expenses of enrolling, organizing, mustering and subsisting volunteers for the military service in the United States, and for aid to their families."
15. "An act to legalize and to confirm an appropriation of ten thousand dollars, made by the common council of the city of Syracuse."
17. "An act to amend the several acts incorporating the village of Fulton, in the county of Oswego."
20. "An act to extend the time for the collection of taxes in certain towns in the county of Westchester, and the town of Wallkill, in the county of Orange."
20. "An act for the relief of the inhabitants of the village of Clyde, in the county of Wayne."
21. "An act to enable the electors of the town of Johnstown to vote by districts for town officers."
21. "An act authorizing the board of supervisors of the county of New York to borrow money in anticipation of the collection of the annual taxes in said county, and to issue county revenue bonds therefor."
21. "An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county, for the relief of the families of volunteers, and for the payment thereof."
22. "An act relative to Vassar Female College."
22. "An act to legalize the official acts of Nathan T. Young as justice of the peace."
22. "An act in relation to the corporation called the Baptist Missionary Convention of the State of New York."
22. "An act to authorize the city of Poughkeepsie to borrow money to pay the debt incurred for the relief of the families of soldiers, to pay the floating debt of said city and for other specified purposes."
22. "An act to authorize attorneys of the Supreme Court of this State, residing in adjoining States, to practice in the courts of this State."
22. "An act to amend an act entitled 'An act to amend an act for the better regulation of the firemen in the city of New York,' passed March 2, 1861."
22. "An act to amend an act entitled 'An act for the more effectual draining of certain swamp and low lands in the towns of Pine Plains and Stanford, in the county of Dutchess,' passed April 14, 1859."

- March 25. "An act to improve the Central Park in the city of New York."
26. "An act to amend the charter of the village of Albion."
26. "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' so far as relates to the village of Boonville, in the county of Oneida."
26. "An act to amend an act entitled 'An act to make the village of Summit Four Corners a separate road district,' passed June 4, 1853."
26. "An act for the relief of families of volunteers in the service of the United States, from the town of German Flats, in the county of Herkimer."
26. "An act to repeal chapter 217 of the Laws of 1860, entitled 'An act to authorize the town of Hannibal, in the county of Oswego, to purchase a farm and erect thereon a town poorhouse.'"
26. "An act to incorporate Zephyr Hose company No. 4, of Port Richmond."
26. "An act to amend an act entitled 'An act in relation to courts in Kings county,' passed April 15, 1852."
26. "An act to amend an act entitled 'An act to incorporate the International bridge company, passed April 17, 1857,' and the several acts amendatory thereof."
26. "An act to repeal section 1 of chapter 48 of the Laws of 1851, and chapter 415 of Laws of 1853."
26. "An act to authorize the city of Troy to raise money by tax, and to borrow money."
26. "An act to amend an act entitled 'An act to amend an act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Niagara Falls,' passed March 27, 1855."
27. "An act to authorize the common council of the city of Rochester to raise money for the purpose of building a new bridge, in conjunction with the supervisors of Monroe county, over the Genesee river, at Clarissa street in said city."
27. "An act to authorize the city of Troy to borrow money to pay such amount of the bonds of said city issued to the Troy Union Railroad company, due first of January, 1863, as shall not be covered by money on hand for that purpose."
27. "An act to amend an act entitled 'An act to perpetuate the evidence of the death of Nicholas Van Staphorst and others, passed May 13, 1846, and to relieve parties from procuring the attendance of certain witnesses whose testimony has been heretofore perpetuated.'"
27. "An act to release the interest of the State of New York, in lands acquired by escheat to Solomon Myers."
27. "An act to authorize the incorporated banks of the State to take and hold any stock of the United States or of the State of New York."
27. "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same, passed April 17, 1854,' and the several acts amendatory thereof and supplemental thereto, or affecting the same."

- March 27. "An act to authorize the Port Henry Iron Ore company of Lake Champlain, to borrow money by mortgage on their real estate, in Essex county."
27. "An act to authorize and direct the board of supervisors of the county of Putnam to raise certain moneys by tax to pay certain expenses incurred in laying out and constructing a certain highway in the town of Carmel, in said county."
28. "An act concerning the Erie Railway company."
28. "An act to amend the charter of the Aetna Fire Insurance company of New York."
28. "An act to authorize the Bank of Troy to reduce its capital stock."
28. "An act to amend an act entitled 'An act to incorporate the Cayuga Asylum for Destitute Children,' passed April 10, 1852."
28. "An act to amend an act entitled 'An act to amend an act entitled 'An act for the benefit of married women in insuring the lives of their husbands,' passed April 14, 1858.'"
28. "An act authorizing the village of Dunkirk in the county of Chautauqua, to purchase, take and hold land within or without the bounds of said village for a cemetery."
28. "An act to incorporate the Bay Ridge Fire company, in the town of New Utrecht."
28. "An act supplementary to an act entitled 'An act to provide for the continuation of Flatbush avenue from the city line of Brooklyn into the town of Flatbush,' passed April 17, 1854."
28. "An act to provide for the construction of a bridge across the Oneida river at Caughdenoy."
28. "An act in relation to School district number 6, in the town of Yonkers."
28. "An act to authorize the town of Little Falls to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."
28. "An act to constitute the village of Lowville, in the county of Lewis, a separate road district."
28. "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the village of Kingston,' passed April 8, 1861."
28. "An act to amend an act entitled 'An act to incorporate the Hermitage Association in the city of New York,' passed April 17, 1860."
29. "An act to provide for the promotion of the public health by draining certain swamp lands in the town of Northfield, in the county of Richmond."
29. "An act for the relief of Edward S. Dixon, heretofore elected a justice of the peace of the town of Seneca, in the county of Ontario."
29. "An act to authorize the village of Peekskill to borrow money and to levy taxes for the payment of the same."
19. "An act for the relief of the Ulster and Delaware plankroad company."
29. "An act to authorize the poormasters of the town of Gorham, in the county of Ontario, to convey certain lands for cemetery purposes."

- March 29. "An act authorizing the sale and conveyance of the interest of the infant heirs of William C. McVickar, deceased, in the lands of which he died seized, and to provide for the disposition of the proceeds thereof."
29. "An act relative to the printing of the calendars of causes in the several courts of record in this State."
29. "An act releasing to Paul Bresson the interest of the State of New York to certain real estate in the city of Brooklyn."
29. "An act to authorize and empower the Shaler and Hall Quarry company, of Portland, in the State of Connecticut, to convey their real estate lying in the State of New York."
29. "An act for the relief of Horace Allen."
29. "An act to facilitate the construction of the Adirondac railroad."
29. "An act providing for the settlement of the claim of Squire Whipple, for the use of his Patent Iron Truss bridges on the canals of this State."
29. "An act to provide for the payment of work done and materials furnished on Superintendent's section No. 12 of the Erie canal."
29. "An act for the relief of the Sable Iron company."
31. "An act to amend an act in relation to highway labor in the county of Livingston, passed April 18, 1838."
31. "An act to amend an act entitled 'An act authorizing the supervisors of certain towns of Chautauqua and Cattaraugus counties to subscribe for stock in the Erie and New York city railroad,' passed March 31, 1859."
31. "An act to authorize the county of Westchester to acquire land for the construction of the Harlem bridge, pursuant to an act passed April 10, 1861, and the appointment of commissioners therefor."
31. "An act to amend an act entitled 'An act to incorporate the Conqueror Hook and Ladder and Bucket company, at Tarrytown, Westchester county,' passed April 10, 1860."
31. "An act to incorporate Knickerbocker Fire Engine company No. 1, at Rockland Lake, in the town of Clarkstown, in the county of Rockland, and State of New York."
31. "An act to confirm the acts of the Methodist Episcopal church in the village of Port Byron and to authorize the corporation to elect nine trustees."
31. "An act for the relief of Leonard Van Derkar."

E. D. MORGAN.

The Assembly returned the following entitled bills:

"An act for the protection of fish in the upper portion of the Niagara river."

"An act to limit the compensation of the members of the boards of supervisors of the counties of Monroe and Niagara."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the following entitled bills:

"An act to amend an act entitled 'An act to incorporate the Mount Vernon Savings bank,' passed April 17, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to empower Holley Lodge No. 140 of the Independent Order of

Odd Fellows, of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the bill entitled "An act in relation to the dividends of Life Insurance companies," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, strike out the words "any insurance company chartered by law of the State of New York, for the purpose of making an insurance on lives," and insert in lieu thereof the words "The Mutual Life Insurance company of New York."

Same section, line 6, after the word "policy," insert the words "such dividends may be declared every five years or oftener at the option of the said company."

Same line, strike out the word "no," and insert the word "said."

Same section, line 7, strike out the words "so chartered."

Same line, after the word "shall," insert the word "not."

Amend the title so as to read as follows:

"An act in relation to the dividends of The Mutual Life Insurance company of New York."

Mr. Little moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Clark	Folger	Montgomery	Ramsey	Truman
Connolly	Freer	Munroe	Richards	Willard
Cook	Hardin	Murphy	Robertson	Woodruff
Cornell	Hutchinson	Pruyn	Smith	Young
Farrar	Little			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Young asked and obtained leave to introduce a bill entitled "An act to incorporate the Ten Broeck Free Academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Assembly bill entitled "An act to incorporate the Newburgh Home for the Friendless," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bradley	Folger	Little	Pruyn	Truman
Clark	Freer	Montgomery	Ramsey	Willard
Connolly	Hardin	Munroe	Sanford	Woodruff
Cook	Hutchinson	Murphy	Smith	Young
Farrar				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to incorporate the Tompkinsville Fire Police company, of the village of Tompkinsville, town of Castleton, Richmond county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Montgomery	Robertson	Truman
Clark	Freer	Munroe	Sanford	Willard
Connolly	Hardin	Murphy	Smith	Woodruff
Cornell	Little	Pruyn		

18

## FOR THE NEGATIVE.

Cook	Folger	Ganson	Young	4
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*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to provide for the election of a police constable in the village of Silver Creek," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Truman
Clark	Folger	Montgomery	Robertson	Willard
Connolly	Freer	Munroe	Sanford	Woodruff
Cook	Hardin	Murphy	Smith	Young
Cornell	Hutchinson			

22

## FOR THE NEGATIVE.

Ganson	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to release the interest of the people of this State, in certain land whereof John Johnson died seized, to John Johnson and James Johnson," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Murphy	Truman
Clark	Folger	Little	Pruyn	Willard
Connolly	Freer	Low	Robertson	Woodruff
Cook	Ganson	Montgomery	Sanford	Young
Cornell	Hardin	Munroe	Smith	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize Josephine Bargagli to take, hold and convey real estate," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Munroe	Smith
Clark	Folger	Little	Murphy	Willard
Connolly	Freer	Low	Pruyn	Woodruff
Cook	Hardin	Montgomery	Sanford	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.



The Assembly bill entitled "An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of his conviction shall not be used as evidence in the courts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Farrar	Hutchinson	Murphy	Truman
Clark	Folger	Little	Pruyn	Willard
Connolly	Freer	Low	Robertson	Woodruff
Cook	Ganson	Montgomery	Sanford	Young
Cornell	Hardin	Munroe	Smith	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act releasing the interests of the State in certain surplus moneys to Frederick Krutina as administrator with the will annexed of William Keller, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Clark	Folger	Little	Richards	Truman
Connolly	Freer	Low	Robertson	Willard
Cook	Ganson	Montgomery	Sanford	Woodruff
Cornell	Hardin	Munroe	Smith	Young
Farrar	Hutchinson	Murphy		

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to empower St. Patrick's Lodge No. 4, of Free and Accepted Masons, in the village of Johnstown, to take, hold and convey real estate and personal property," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Bradley	Farrar	Low	Pruyn	Truman
Clark	Folger	Montgomery	Richards	Willard
Connolly	Freer	Munroe	Robertson	Woodruff
Cook	Hardin	Murphy	Sanford	Young
Cornell	Little			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized to his widow, Catharine Laville," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Connolly	Freer	Low	Pruyn	Truman
Cook	Ganson	Montgomery	Richards	Willard
Cornell	Hardin	Munroe	Robertson	Woodruff
Farrar	Hutchinson	Murphy	Sanford	Young
Folger	Little			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Susan Caldwell," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Folger	Little	Pruyn	Truman
Connolly	Freer	Low	Richards	Willard
Cook	Ganson	Montgomery	Robertson	Woodruff
Cornell	Hardin	Munroe	Sanford	Young
Farrar	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal, at Evans street, in the village of Geneva," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Connolly	Freer	Low	Pruyn	Truman
Cook	Ganson	Montgomery	Richards	Willard
Cornell	Hardin	Munroe	Sanford	Woodruff
Farrar	Little	Murphy	Smith	Young
Folger				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Truman moved that the Assembly bill entitled "An act to provide for schools in the almshouses in the several counties in the State;" be referred to the committee on the judiciary, and that when reported it retain its place on general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Little moved that the Assembly bill entitled "An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act chapter 274, Laws of 1861," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved to take from the table the motion to reconsider the vote on the bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Cook moved that the Assembly bill entitled "An act to re-appropriate certain moneys for the enlargement and completion of the canals," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Cook moved that the Assembly bill entitled "An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell moved that the Assembly bill entitled "An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until this evening at 7 o'clock.

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## SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Hutchinson, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize the construction and maintenance of a bridge over the Genesee Valley canal, at Atkinson street, in the city of Rochester," reported that they have made some amendments thereto, and amended the title by adding thereto the words: "upon certain conditions," and as amended, recommend its passage; said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills:

"An act making appropriations for the support of Government for the fiscal year commencing on the first day of October 1862, and to abolish the office of State Assessors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to amend an act entitled 'An act for the incorporation of the village of Oxford and for other purposes, passed April 6, 1808,' and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to protect the harbor of New York against invasion, and provide for the public defence," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on militia and public defence.

"An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to exempt all that part of the city of Albany lying west of Allen street from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to facilitate the taking of oaths and affirmations and the acknowledgment or proof of written instruments by persons in the military service of this State or the United States as volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to regulate the use of public highways."

"An act to incorporate the firemen of the city of Schenectady, and for other purposes."

"An act to incorporate Protection Fire Engine company No. 1, in Huntington, Suffolk county."

"An act for the relief of Stephen Van Alstyne."

"An act to incorporate Friendship Hose company No. 2, of New Brighton, in the county of Richmond."

"An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district number four, in the town of Greene, Chenango county."

"An act requiring the highway tax of the New York Central railroad company through the town of Mentz to be applied to the repairs of certain highways in said town."

"An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."

"An act in relation to the compensation of the superintendent of common schools in the city of Utica."

"An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river at a place called Fink's at the foot of Fall Hill in the town of Danube."

"An act for the relief of James Irving, and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by deed from Hugh McGowan, an alien."

"An act for the relief of Louis Gabriel Jeanrenaud and Sophie Adele Jeanrenaud."

"An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, &c., in said city."

"An act to amend the charter of the Knickerbocker Life Insurance company."

"An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859."

"An act in relation to the claim of Squire and John M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river at the village of Seneca Falls."

"An act for the relief of Francis M. McFarlin and others."

"An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers."

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill:

"An act in relation to the dividends of The Mutual Life Insurance company of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the following entitled bill:

"An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:

"An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857."

"An act to amend an act entitled 'An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847."

"An act relative to documentary evidence."

After some time spent therein, the President resumed the chair, and Mr. Sanford, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Robertson moved that said bill be referred to Senators Folger, Hardin and Freer, to perfect, and that they have power to report it complete.

Mr. Truman moved to refer said bill to the judiciary committee.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the negative.

Mr. Folger called for a division of the question.

The President put the question whether the Senate would agree to so much of said motion as relates to referring said bill to a select committee, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to so much as relates to reporting complete, and it was decided in the negative.

Mr. Sanford, from the same committee, reported progress on the second named bill, and asked and obtained leave to sit again.

Mr. Sanford, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Richards offered the following resolution:

*Resolved*, (if the Assembly concur.) That the Legislature will adjourn its present session without day, on the sixteenth day of April instant, at four o'clock in the afternoon.

*Ordered*, That said resolution be laid on the table.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to empower Holley Lodge No. 140 of the Independent Order of Odd Fellows, of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate," reported that they have amended the title by adding thereto the words: "and constitute the same a corporation," and recommend its passage; said bill was committed to the committee of the whole.

By unanimous consent, Mr. Ganson moved that the bill entitled "An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name," with a message that they had concurred in the first amendment of the Senate to said bill by striking out in the second line thereof the words "or upon."

That they had non-concurred in the second of said amendments, and concur in the third.

Mr. Pruyn moved that the Senate recede from said amendment in which the Assembly non-concur.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Angel	Freer	Little	Murphy	Smith
Bell	Ganson	Low	Pruyn	Tobey
Connolly	Hardin	Montgomery	Richards	Truman
Farrar	Hutchinson	Munroe	Robertson	Young
Folger				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message to that effect.

On motion of Mr. Truman, the Senate adjourned.

WEDNESDAY, APRIL 2, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Mayo.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommended to the appropriate standing committees, to report complete, to wit:

"An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz."

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"An act to empower Holley Lodge No. 140 of the Independent Order of Odd Fellows, of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate, and to constitute the same a corporation."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete. .

Mr. Cornell presented a petition of the St. Joseph's Orphan Asylum for relief, which was read and referred to the committee on finance.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 13, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in reference to highway labor in the village of Oneonta, Otsego county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Freer, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to incorporate the Metropolitan Medical College of the city of New York,' passed March 28, 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,' passed April 13, 1859," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to consolidate the towns of Savona and Bath, in the county of Steuben," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York," reported in favor of the

passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Susan A. Schultz and Ida M. Schultze, infants, in certain lands devised to them by Daniel H. Schultz," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to empower Holley Lodge No. 140 of Independent Order of Odd Fellows of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate, and to constitute the same a corporation," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred several bills to amend the Code of Procedure, reported by bill entitled "An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code, appointed under the act of April 6, 1857, and to repeal section 37, article 2, title 2, chapter 1st, part 3d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act in relation to the superintendents of the poor in the county of Cayuga," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abbott, from the committee on internal affairs of towns and counties, to which was referred the petition of John F. Packard and Henry Hoffman, for release as sureties on a contract for canal repairs, reported by bill entitled "An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor for canal repairs on section 10, Erie canal," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to provide for the payment of the subsistence of volunteers for the service of the United States, raised in the county of Ontario."

"An act to authorize the construction of a bridge over the Allegany river on the Indian Reservation, in the town of Carrolton, in the county of Cattaraugus."

"An act to confirm and legalize certain acts of the common council of the city of New York."

"An act to authorize the Commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage."

"An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860."

"An act relative to documentary evidence."

The bill entitled "An act to authorize the construction of a bridge over the Allegany river on the Indian Reservation, in the town of Carrolton, in the county of Cattaraugus," was read a third time.



The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Folger	Montgomery	Richards	Tobey
Connolly	Freer	Munroe	Robertson	Truman
Cook	Ganson	Murphy	Sanford	Willard
Cornell	Hardin	Pruyn	Smith	Young
Farrar				

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the trustees of the village of Elmira to erect bridges over the Chemung canal in said village," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Hardin	Pruyn	Smith
Angel	Folger	Montgomery	Richards	Tobey
Connolly	Freer	Munroe	Robertson	Willard
Cook	Ganson	Murphy	Sanford	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to provide for the payment of the subsistence of volunteers for the service of the United States, raised in the county of Ontario," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Pruyn	Smith
Angel	Folger	Montgomery	Richards	Truman
Connolly	Freer	Munroe	Robertson	Willard
Cook	Ganson	Murphy	Sanford	Young
Cornell	Hardin			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act authorizing the Canal Commissioners to build a bridge over the Chenango canal in the city of Utica,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Hardin	Murphy	Sanford
Angel	Folger	Low	Pruyn	Truman
Connolly	Freer	Montgomery	Richards	Willard
Cook	Ganson	Munroe	Robertson	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca Road and Bridge company,' passed April 18, 1843," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hardin	Munroe	Tobey
Angel	Folger	Little	Richards	Truman
Connolly	Freer	Low	Sanford	Willard
Cook	Ganson	Montgomery	Smith	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Low moved that the bill entitled "An act in relation to plank roads and turnpike roads," be referred to the committee on the judiciary, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The bill entitled "An act to authorize the commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Pruyn	Tobey
Angel	Freer	Montgomery	Richards	Truman
Connolly	Ganson	Munroe	Sanford	Willard
Cook	Hardin	Murphy	Smith	Young
Farrar	Little			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Pruyn	Smith
Connolly	Ganson	Montgomery	Richards	Tobey
Cook	Hardin	Munroe	Robertson	Willard
Cornell	Little	Murphy	Sanford	Young
Farrar				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to documentary evidence," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hutchinson	Murphy	Smith	
Angel	Folger	Little	Pruyn	Tobey	
Connolly	Freer	Low	Richards	Truman	
Cook	Ganson	Montgomery	Robertson	Willard	
Cornell	Hardin	Munroe	Sanford	Young	25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hutchinson	Pruyn	Tobey	
Angel	Folger	Little	Richards	Truman	
Connolly	Freer	Montgomery	Robertson	Willard	
Cornell	Ganson	Munroe	Smith	Young	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Robertson moved that the bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle. Yonkers and Morrisania, in the county of Westchester,' passed April 2, 1860," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Abbott offered the following resolution:

*Resolved*, That Assembly bill No. 123, entitled "An act to incorporate the New York Universalist Convention;" also Assembly bill No. 198, entitled "An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," be recommended to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Freer moved that the bill entitled "An act to incorporate the Forty-second street railroad company," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

By unanimous consent, Mr. Folger moved that the bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany to open a street along the south bounds of said city between Delaware turnpike road and the river, to be located wholly or partly on either side of said city line, and to assess and collect the damages and expenses for laying out, opening, grading, draining and repairing said street," be recommended to the committee on cities and villages, with power to report complete.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to renew the charter of the New York Institution for the instruction of the Deaf and Dumb," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Ganson	Munroe	Robertson	Willard	
Angel	Little	Murphy	Smith	Woodruff	
Connolly	Low	Pruyn	Tobey	Young	
Folger	Montgomery	Richards	Truman		19

FOR THE NEGATIVE.

Cook 1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Smith moved that the Assembly bill entitled "An act to incorporate the Brooklyn Pharmaceutical society of the city of Brooklyn," be recommitted to the committee on medical societies, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act dividing the State into Congressional districts."

"An act to divide the State into Congressional districts."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of going into executive session, being the bills entitled as follows:

Assembly, "An act enabling the Tompkins County Agricultural and Horticultural Society to draw their proportion of the moneys devoted to agricultural purposes from the State Treasury."

"An act to amend chapter 427 of the Laws of 1855."

"An act to authorize the discharge of mortgages of record in certain cases."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to, and said bill ordered to a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the two last named bills, with amendments, which report was agreed to and said bills ordered engrossed for a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders.

After some time spent therein, the President resumed the chair, and announced that the hour of fifteen minutes to two having arrived, the Senate would take a recess until 7 o'clock this evening.

## SEVEN O'CLOCK, P. M.

The Senate again met.

The President announced the special order, being the consideration of the resolution of Mr. Truman in favor of Federal co-operation in relation to abolishing slavery.

Mr. Low moved to postpone the consideration of said resolution until Wednesday evening next.

Mr. Truman moved to amend by striking out the words "Wednesday evening next," and inserting in lieu thereof the words "fifteen minutes to eight o'clock this evening."

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion of Mr. Low, as amended, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the general orders, pending at the hour of taking a recess.

After some time spent therein the President resumed the chair, and announced that the hour of fifteen minutes to eight having arrived, the Senate would proceed to the consideration of the special order, being the resolution of Mr. Truman in favor of Federal co-operation in relation to abolishing slavery, in the words following:

*Resolved*, (if the Assembly concur,) That the Legislature of the State of New York approve the message of President Lincoln, offering the co-operation of the Government of the United States in any movement which may be initiated in the slaveholding States for the abolishment of slavery, and that our Senators and Representatives in Congress are earnestly requested to use their influence and cast their votes so as to secure such abolishment.

Mr. Ganson moved to amend by striking out all after the word "concur," and inserting the following:

"That the Legislature of the State of New York request their Senators and Representatives in Congress to use their influence and cast their votes for the passage of the following resolution, recommended by President Lincoln in his message of March 6, 1862, namely:

*"Resolved*, That the United States ought to co-operate with any State which may adopt a gradual abolishment of slavery, giving to such State pecuniary aid, to be used by said State, in its discretion, to compensate for the inconveniences, public and private, produced by such change of system."

That in the language of President Lincoln, "Such a proposition on the part of the General Government sets up no claim of right by Federal authority to interfere with slavery within State limits, referring as it does the absolute control of the subject, in each case, to the State and its people

immediately interested. It is proposed as a matter of perfectly free choice with them."

Mr. Folger moved to amend the amendment by adopting the following as a substitute therefor!

"Whereas, The Legislature of the State of New York approves of the message of the President of the United States, transmitted to Congress March 6, 1862; therefore,

"Resolved, (if the Assembly concur,) That our Senators in Congress be instructed and our Representatives requested to use their influence and give their votes for the passage of the resolution therein contained."

Mr. Pruyn moved to refer the whole subject to a select committee of three.

The President put the question whether the Senate would agree to said motion, of Mr. Pruyn, and it was decided in the negative.

The President put the question whether the Senate would agree to the amendment to the amendment, as offered by Mr. Folger, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Tobey
Angel	Cornell	Low	Richards	Truman
Bailey	Farrar	Montgomery	Robertson	Willard
Bell	Folger	Munroe	Sanford	Young
Connolly	Hardin	Murphy	Smith	
				24

#### FOR THE NEGATIVE.

Freer	Ganson	Pruyn		3
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The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Murphy	Smith
Angel	Farrar	Little	Ramsey	Tobey
Bailey	Folger	Low	Richards	Truman
Bell	Freer	Montgomery	Robertson	Willard
Connolly	Ganson	Munroe	Sanford	Young
Cook				
				26

#### FOR THE NEGATIVE.

Pruyn				1
-------	--	--	--	---

Ordered, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

On motion of Mr. Truman, the Senate adjourned.

### THURSDAY, APRIL 3, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bourdrye.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Ramsey moved that his request to have his name recorded in the affirmative on the passage of the resolution adopted yesterday in relation to approval of the message of the President relative to emancipation, be entered upon the journal.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act for the release of certain lands and real estate of which Thomas Walmsley died seised to Alexander Walmsley."

"An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county."

Also the following entitled Assembly bills:

"An act in relation to the superintendents of the poor in the county of Cayuga."

"An act to consolidate the towns of Savona and Bath in the county of Steuben."

"An act to incorporate the Life Insurance and Mutual Aid society of the East Genesee Annual Conference."

"An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland."

"An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York."

"An act in reference to highway labor in the village of Oneonta, Otsego county."

"An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 13, 1857."

"An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Freer, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to incorporate the Brooklyn Pharmaceutical society of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Life Insurance and Mutual Aid society of the East Genesee Annual Conference," with power to report complete, reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to incorporate the Mutual Aid society of the East Genesee Annual Conference," and as amended, recommend its passage; which report was agreed to, and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was refer-

red the bill entitled "An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 13, 1857," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in reference to highway labor in the village of Oneonta, Otsego county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act in relation to the superintendents of the poor in the county of Cayuga," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to consolidate the towns of Savona and Bath in the county of Steuben," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the release of certain lands and real estate of which Thomas Walmsley died seised to Alexander Walmsley," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act for the release of certain lands and real estate of which Thomas Walmsley died seized to Alexander Walmsley."

"An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county."

Also the following entitled Assembly bills:

"An act in relation to the superintendents of the poor in the county of Cayuga."

"An act to consolidate the towns of Savona and Bath in the county of Steuben."

"An act to incorporate the Life Insurance and Mutual Aid society of the East Genesee Annual Conference."

"An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland."

"An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York."

"An act in reference to highway labor in the village of Oneonta, Otsego county."

"An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 18, 1857."

"An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

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Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Life Insurance and Mutual Aid society of the East Genesee Annual Conference," with power to report complete, reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to incorporate the Mutual Aid society of the East Genesee Annual Conference," and as amended, recommend its passage; which report was agreed to, and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was refer-

red the bill entitled "An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 13, 1857," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in reference to highway labor in the village of Oneonta, Otsego county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act in relation to the superintendents of the poor in the county of Cayuga," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to consolidate the towns of Savona and Bath in the county of Steuben," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act for the release of certain lands and real estate of which Thomas Walmsley died seised to Alexander Walmsley," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act to authorize the payment of interest on certain canal drafts protested for non-payment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Folger asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the sale of certain lands belonging to the State, and to empower the corporation of the city of New York to purchase the same,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly bill entitled "An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Ganson	Munroe	Smith
Clark	Farrar	Hardin	Murphy	Tobey
Connolly	Folger	Hutchinson	Richards	Willard
Cook	Freer	Low	Sanford	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht,' passed April 13, 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Smith
Clark	Freer	Low	Richards	Tobey
Connolly	Ganson	Montgomery	Robertson	Woodruff
Cook	Hardin	Murphy	Sanford	Young
Cornell	Hutchinson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE

Angel	Farrar	Little	Pruyn	Smith
Clark	Freer	Low	Richards	Tobey
Connolly	Ganson	Montgomery	Robertson	Willard
Cook	Hardin	Munroe	Sanford	Young
Cornell	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to empower Holley Lodge No. 140, of the Independent Order of Odd Fellows of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate, and to constitute the same a corporation," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Murphy	Sanford
Bailey	Folger	Low	Pruyn	Smith
Connolly	Freer	Montgomery	Richards	Tobey
Cook	Hardin	Munroe	Robertson	Willard
Cornell	Hutchinson			

22

## FOR THE NEGATIVE.

Ganson	Young			
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

Also as correctly engrossed :

"An act to amend chapter 427 of the Laws of 1855."

"An act to renew the charter of the New York Institution for the instruction of the Deaf and Dumb."

The Assembly bill entitled "An act enabling the Tompkins County Agricultural and Horticultural Society to draw their proportion of the moneys devoted to agricultural purposes from the State Treasury," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Murphy	Smith
Bailey	Farrar	Low	Pruyn	Tobey
Bradley	Freer	Montgomery	Richards	Willard
Connolly	Ganson	Munroe	Sanford	Young
Cook	Hardin			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend chapter 427 of the Laws of 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Munroe	Sanford
Bailey	Farrar	Hutchinson	Murphy	Smith
Bell	Folger	Little	Pruyn	Tobey
Bradley	Freer	Low	Richards	Willard
Connolly	Ganson	Montgomery	Robertson	Young
Cook				

26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorize the discharge of mortgages of record in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Low	Pruyn	Smith
Bailey	Farrar	Montgomery	Richards	Willard
Bell	Ganson	Munroe	Robertson	Woodruff
Bradley	Hutchinson	Murphy	Sanford	Young
Connolly	Little			

22

## FOR THE NEGATIVE.

Folger	Hardin			
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Munroe	Richards	Smith
Bailey	Cornell	Murphy	Robertson	Willard
Bell	Hardin	Pruyn	Sanford	Woodruff
Bradley	Low	Ramsey		

18

## FOR THE NEGATIVE.

Cook	Folger	Hutchinson	Montgomery	Young
Farrar	Ganson	Little		

8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Young moved that the bill entitled "An act for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract to William McArthur for the repairs of section number three Genesee Valley canal," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell offered the following resolution :

*Resolved*, That on and after Monday next, the Senate will commence at 10 o'clock A. M., and adjourn at 2 P. M.

Mr. Young moved to amend by striking out the word "two" and inserting in lieu thereof the words "fifteen minutes to two."

Mr. Folger moved further to amend by striking out all after the word "Resolved," and inserting in lieu thereof the following :

"That the resolution heretofore adopted providing for a fixed hour for the adjournment of the Senate at fifteen minutes before two, be and the same is hereby rescinded."

The President put the question whether the Senate would agree to said motion of Mr. Folger, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Ganson	Montgomery	Robertson	Tobey
Bell	Hardin	Munroe	Sanford	Willard
Cook	Little	Ramsey	Smith	Young
Folger	Low	Richards		

18

## FOR THE NEGATIVE.

Angel	Connolly	Farrar	Murphy	Woodruff
Bradley	Cornell	Hutchinson	Pruyn	

9

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Low	Ramsey	Sanford
Bailey	Folger	Montgomery	Richards	Smith
Bell	Hardin	Munroe	Robertson	Tobey
Clark	Little			

17

## FOR THE NEGATIVE.

Bailey	Farrar	Hutchinson	Pruyn	Woodruff
Connolly	Ganson	Murphy	Willard	Young
Cornell				

11

The hour of 12 o'clock having arrived, the President announced the special order, being the consideration of the bills entitled as follows:

"An act dividing the State into Congressional districts."

"An act to divide the State into Congressional districts."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bills.

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

By unanimous consent, Mr. Robertson, from a majority of the committee on commerce and navigation, to which was referred the bill entitled "An act in relation to the construction of a pier on the south side of pier No. 1, North river, in the city of New York," reported that they have had the same under consideration, made sundry amendments thereto, and amended the title so as to read as follows:—"An act to authorize the Commissioners of the Land Office to convey the right to erect and maintain a pier off the Battery in the city of New York," and as amended, recommend its passage; said bill was committed to the committee of the whole.

By unanimous consent, Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the State Medical Society, reported in favor of the adoption of the following resolution:

*Resolved*, That fifteen copies of the annual report of the State Medical Society be printed for each Senator and officer of the Senate.

Mr. Low moved to amend said resolution by inserting the words "a2d reporters," after the word officers."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to plank roads and turnpike roads," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Low moved that the rules be suspended, and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Ganson and by unanimous consent, said bill was amended by adding to section 1, the following words:

"Nothing contained in this act shall affect any suit or proceeding now pending in any court of this State."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Ramsey	Tobey
Bailey	Folger	Montgomery	Richards	Willard
Bradley	Hardin	Munroe	Robertson	Woodruff
Connolly	Little	Pruyn	Sanford	Young
Cornell				

21

FOR THE NEGATIVE.

Cook	Ganson
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Richards called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature will adjourn its present session without day, on the 16th day of April inst., at 4 o'clock in the afternoon.

Mr. Hutchinson moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Hardin	Ramsey	Tobey
Bailey	Folger	Hutchinson	Robertson	Willard
Bell	Ganson	Montgomery		

13

FOR THE NEGATIVE.

Bradley	Cornell	Low	Pruyn	Woodruff
Connolly	Freer	Munroe	Richards	Young
Cook	Little	Murphy	Sanford	

14

On motion of Mr. Robertson, the Senate took a recess until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly returned the following entitled bill :

"An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly sent for concurrence the following entitled bills :

"An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claims," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

"An act to authorize the extending of certain streets in the city of Brooklyn, to the East river, and to the permanent Bulk-head line," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize and require the Comptroller of the State of New York to settle with the treasurer of Essex county in relation to rejected non-resident taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the appraisal of the damages of Nathan N. Sargent, caused by a break in the Black river canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Benjamin W. Whiteher," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Peter Smith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Benjamin B. Clapp for canal damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Hiram H. Walbridge, Gilbert Peterson and Charles A. Danlods," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Richard Calrow, junior," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of John Copeland for damages caused by the overflow of the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Joseph H. Godwin," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of C. Amelia Vernam and McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act authorizing the appraisal and payment of canal damages to Patrick Buckley, caused by a break in the Champlain canal in the town of Fort Edward, Washington county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Willis B. Sayre," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, pending at the hour of adjournment yesterday, being the bills entitled as follows:



"An act for the relief of riparian owners entitled by law to grants of lands now or formerly covered with water, in front of the cities of Brooklyn and New York, and to extend to the Hudson and East rivers."

"An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons."

"An act to amend section 12 of chapter 151 of the Laws of 1858, in relation to school district libraries."

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Murphy moved that said bill be referred to the committee on the judiciary, and when reported retain its place on general orders.

The President put the question whether the Senate would agree to said motion of Mr. Murphy, and it was decided in the affirmative.

Mr. Young, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Young, from the same committee, reported that they had gone through with the last named bill, and struck out the enacting clause, which report was agreed to and said bill rejected.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon."

Assembly, "An act to re-appropriate certain moneys for the enlargement and completion of the canals."

"An act to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads, with hospital accommodations."

After some time spent therein, the President resumed the chair, and Mr. Clark, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Ganson moved that the Senate disagree with the report of the committee.

The President put the question whether the Senate would agree to said motion of Mr. Ganson, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Montgomery	Young	
Angel	Folger	Hutchinson	Tobey		9

#### FOR THE NEGATIVE.

Bailey	Cornell	Little	Murphy	Robertson	
Bell	Freer	Low	Ramsey	Sanford	
Clark	Hardin	Munroe	Richards	Smith	15

The President then put the question whether the Senate would grant leave to sit again, and it was decided in the affirmative.

On motion of Mr. Ramsey, the Senate adjourned.

## FRIDAY, APRIL 4, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Rawson.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bill as proper to be taken from the general orders and recommitted to the appropriate standing committee, to report complete, to wit:

"An act to repeal certain sections of chapter 230 of the Laws of 1843."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the standing committee reporting it, with power to report complete.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1862, and to abolish the office of State Assessors," reported that they have made sundry amendments thereto, and amended the title by striking out the words "and to abolish the office of State Assessors," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons."

"An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county."

"An act for the release of certain lands and real estate of which Thomas Walmsley died seized to Alexander Walmsley."

"An act to authorize the discharge of mortgages of record in certain cases."

"An act in relation to plank roads and turnpike roads."

Also as correctly re-engrossed:

"An act to amend chapter 427 of the Laws of 1855."

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of John N. Elmore," reported adversely thereto.

Mr. Hardin moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend title 1, part 2, chapter 5, ar-

title 8 of the Revised Statutes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to facilitate the taking of oaths and affirmations and the acknowledgment of proof of written instruments by persons in the military service of this State or the United States as volunteers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 25 of title 3 of part 3 of article 1 of chapter 2 of the Revised Statutes," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of the village of Oxford, and for other purposes, passed April 6, 1808,' and the acts amending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Pruyn from the committee on literature, to which was referred the bill entitled "An act to incorporate the Ten Broeck Free Academy," reported in favor of the passage of the same, with amendments.

On motion of Mr. Young and by unanimous consent, the rules were suspended and said bill was recommitted to the committee on literature, to report complete.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the New York State Convention of Universalists," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the select committee consisting of Messrs. Folger, Hardin and Freer, to which was referred the bill entitled "An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly bill entitled "An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Pruyn	Truman
Bailey	Cornell	Hutchinson	Richards	Willard
Bradley	Farrar	Little	Robertson	Woodruff
Clark	Folger	Montgomery	Smith	Young
Connolly	Ganson	Murphy	Tobey	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Brooklyn Pharmaceutical Society of the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Little	Robertson	Willard
Bailey	Farrar	Montgomery	Smith	Woodruff
Bradley	Hardin	Murphy	Tobey	Young
Connolly	Hutchinson	Richards		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Richards	Truman
Angel	Farrar	Little	Robertson	Willard
Bailey	Ganson	Montgomery	Smith	Woodruff
Bradley	Hardin	Murphy	Tobey	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act releasing the interests of the State in certain surplus moneys to Frederick Krutina."

"An act to empower Lodge No. 140 of the Independent Order of Odd Fellows of Northern New York, in the village of Holley and county of Orleans, to hold and convey real and personal estate, and constitute the same a corporation."

"An act to incorporate the Newburgh Home for the Friendless."

"An act for the relief of Susan Caldwell."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly bill entitled "An act to incorporate the Mutual Aid Society of the East Genesee Annual Conference," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Folger	Murphy	Smith
Bailey	Cook	Hardin	Pruyn	Tobey
Bell	Cornell	Little	Richards	Woodruff
Bradley	Farrar	Montgomery	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act to authorize Thomas Theall to build a bridge from the middle or central Manursing Island to the main land in the town of Rye, in Westchester county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Smith
Angel	Cornell	Hutchinson	Murphy	Tobey

Bailey	Farrar	Little	Pruyn	Willard
Bell	Folger	Low	Richards	Young
Bradley	Freer	Montgomery	Robertson	24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek in the county of Chautauqua,' passed April 13, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford
Angel	Cornell	Little	Pruyn	Tobey
Bailey	Farrar	Low	Ramsey	Willard
Bell	Folger	Montgomery	Richards	Woodruff
Bradley	Ganson	Munroe	Robertson	Young
				25

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act in reference to highway labor in the village of Oneonta, Otsego county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Murphy	Sanford
Angel	Farrar	Little	Pruyn	Smith
Bailey	Folger	Low	Ramsey	Tobey
Bradley	Ganson	Montgomery	Richards	Willard
Cook	Hardin	Munroe	Robertson	Young
				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act in relation to the superintendents of the poor in the county of Cayuga," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Smith
Angel	Farrar	Low	Ramsey	Tobey
Bailey	Ganson	Montgomery	Richards	Willard
Bradley	Hardin	Munroe	Robertson	Woodruff
Cook	Hutchinson	Murphy	Sanford	Young
				25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Columbian Fire Engine company No. 1, of Spring Valley, Ramapo, Rockland county, State of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Munroe	Robertson	Truman
Angel	Ganson	Murphy	Sanford	Willard
Bailey	Hutchinson	Pruyn	Smith	Woodruff
Bradley	Montgomery	Ramsey	Tobey	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Nanuet Fire Engine company, at Nanuet, town of Clarkstown, in the county of Rockland," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Ganson	Low	Pruyn	Tobey
Angel	Hardin	Montgomery	Robertson	Willard
Bailey	Hutchinson	Munroe	Sanford	Woodruff
Bradley	Little	Murphy	Smith	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to consolidate the towns of Savona and Bath in the county of Steuben," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Sanford
Angel	Cook	Hutchinson	Murphy	Smith
Bailey	Cornell	Little	Pruyn	Truman
Bradley	Folger	Low	Ramsey	Willard
Clark	Ganson	Montgomery	Robertson	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act for the release of certain lands and real estate of which Thomas Walmsley died seized to Alexander Walmsley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Tobey
Angel	Folger	Low	Ramsey	Truman
Bailey	Ganson	Montgomery	Robertson	Willard
Connolly	Hardin	Munroe	Sanford	Young
Cook	Hutchinson	Murphy	Smith	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Munroe	Ramsey	Smith
Angel	Freer	Murphy	Robertson	Willard
Bailey	Hardin	Pruyn	Sanford	Young
Connolly	Little			

17

FOR THE NEGATIVE.

Cook	Folger	Low	Tobey	Truman
Farrar	Ganson	Montgomery		

8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Ramsey	Tobey
Angel	Folger	Montgomery	Richards	Truman
Bailey	Ganson	Munroe	Robertson	Willard
Bell	Hardin	Murphy	Sanford	Young
Cook	Little	Pruyn	Smith	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to re-appropriate certain moneys for the enlargement and completion of the canals," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Munroe	Richards	Tobey
Angel	Ganson	Murphy	Robertson	Truman
Bailey	Hardin	Pruyn	Sanford	Willard
Bell	Little	Ramsey	Smith	Young
Cook	Montgomery			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The hour of 12 o'clock having arrived, the Senate resolved itself into a committee of the whole, and resumed the consideration of the special order, being the bill entitled as follows :

"An act dividing the State into Congressional districts."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress and asked and obtained leave to sit again.

On motion of Mr. Robertson, the Senate took a recess until 7 o'clock P. M.

## SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide for the examination of the accounts of the Treasurer and Canal Department, and the securities of the Bank Department," reported that they have made sundry amendments thereto, and amended the title so as to read as follows:—"An act to provide for the examination of the accounts of the Treasurer and other State officers," and as amended, recommend its passage; said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being local bills on the general orders, entitled as follows:

Assembly, "An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act chapter 274, Laws of 1861."

Assembly, "An act to amend an act entitled 'An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860."

"An act for the relief of William Monteath."

After some time spent therein, the President resumed the chair, and Mr. Cook, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Cook, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Cook, from the same committee, reported that they have substituted for the last named bill Assembly bill No. 37, as passed by the Assembly, and recommend its passage.

Mr. Low moved that said bill be recommitted to the committee on claims, with instructions to amend by substituting Senate bill No. 218 therefor, being in the words following:

"Sec. 1. The Canal Board are hereby authorized and required to examine the claim of William Monteath for damages alleged to have been sustained to his canal boat Chatham of Buffalo, at a place called Cherry's bridge, about seven miles east of the city of Buffalo, on the twelfth day of May, eighteen hundred and sixty-one and award to him such sum, if any, as the State shall be legally and equitably liable for; but nothing in this act contained shall be construed to authorize the said Canal Board to award damages for any injuries sustained by the cargo of said boat.

"§ 2. In case any sum shall be awarded to said William Monteath under this act, the same shall be paid by the Treasurer, or the warrant of the Auditor of the Canal Department, out of money appropriated for the enlargement of the Erie canal."

The President put the question whether the Senate would agree to said motion of Mr. Low, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Farrar	Low	Richards	Truman	
Bell	Hutchinson	Montgomery	Tobey	Young	
Cook	Little	Munroe			13

## FOR THE NEGATIVE.

Bradley	Cornell	Murphy	Ramsey	Smith	
Connolly	Ganson	Pruyn	Sanford	Woodruff	10



Mr. Truman, from the committee on claims, reported back said bill with amendments, as instructed by the Senate.

Mr. Truman moved that said bill be ordered to a third reading.

Mr. Richards moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion to adjourn, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act authorizing the Canal Commissioners to build a bridge over the Clark and Skinner canal, at Scott street, in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act to amend the charter of the village of Dexter," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson presented a petition of citizens of Buffalo, in favor of a bridge over the Clark and Skinner canal, in said city, which was read and referred to the committee on canals.

By unanimous consent, Mr. Bell presented a petition of inhabitants of the village of Dexter, for an amendment to the charter of said village, which was read and referred to the committee on cities and villages.

On motion of Mr. Truman, the Senate adjourned.

## SATURDAY, APRIL 5, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Boudrye.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840."

"An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto."

Also the following entitled Assembly bill:

"An act to amend an act entitled 'An act for the incorporation of the village of Oxford and for other purposes, passed April 6, 1808,' and the acts amending the same."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Willis B. Sayre," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Hiram H. Walbridge, Gil-

bert Peterson and Charles A. Danolds," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Benjamin B. Clapp for canal damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the appraisal of the damages of Nathaniel M. Sargeant, caused by a break in the Black river canal," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act authorizing the appraisal and payment of canal damages to Patrick Buckley, caused by a break in the Champlain canal in the town of Fort Edward, Washington county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Sanford, from the committee on Indian affairs, to which was referred the Assembly bill entitled "An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claim," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Farrar, from the committee on cities and villages, to which was referred the bill entitled "An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Farrar, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of the village of Oxford and for other purposes, passed April 6, 1808,' and the acts amending the same," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal certain sections of chapter 230 of the Laws of 1843," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to incorporate the Ten Broeck Free Academy," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Pruyn presented the report of the Regents of the University on the determination of longitudes in this State, pursuant to chapter 784 of the Laws of 1857, and chapter 333 of the Laws of 1858, and accompanying documents, which were laid on the table and ordered printed.

(See Doc. No. 95.)

The President presented the report of the Commissioners of the Civil Code, under the act of April 6, 1857, which was laid on the table.

By unanimous consent, Mr. Connolly presented a memorial of the Chamber of Commerce of the city of New York, in relation to the Usury Laws, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act relating to actions pending in the Supreme Court, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Robertson
Angel	Cook	Hutchinson	Murphy	Sanford
Bailey	Farrar	Little	Pruyn	Smith
Bradley	Folger	Montgomery	Richards	Young
Clark	Freer			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Sanford
Angel	Cook	Little	Pruyn	Smith
Bailey	Freer	Montgomery	Richards	Tobey
Bradley	Ganson	Munroe	Robertson	Young
Clark				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Hutchinson asked and obtained leave to introduce a bill entitled "An act to authorize the supervisors of Orleans county to raise money for the support of volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Richards presented the report of the Secretary of the Iroquois Agricultural Society, which was laid on the table and ordered printed.

(See Doc. No. 97.)

Mr. Richards offered the following resolution :

*Resolved*, That 250 copies of the agricultural report of the Iroquois Agricultural Society be printed for distribution by said agricultural society, through its Secretary.

*Ordered*, That said resolution be referred to the committee on public printing.

The Assembly bill entitled "An act to incorporate the New York State Convention of Universalists," was read a third time.

The President put the question whether the Senate would agree to the

final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Farrar	Hutchinson	Pruyn	Smith
Bradley	Folger	Little	Richards	Tobey
Clark	Freer	Montgomery	Robertson	Truman
Connolly	Ganson	Munroe	Sanford	Young
Cook	Hardin	Murphy		

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act chapter 274, Laws of 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Smith
Angel	Farrar	Hutchinson	Murphy	Tobey
Bradley	Folger	Little	Pruyn	Truman
Clark	Ganson	Montgomery	Robertson	Young
Connolly				

31

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Robertson
Angel	Cook	Hardin	Murphy	Smith
Bailey	Farrar	Little	Pruyn	Tobey
Bradley	Folger	Montgomery	Richards	Young
Clark				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of William Monteath," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Murphy	Richards	Smith
Bailey	Ganson	Pruyn	Robertson	Truman
Bradley	Munroe	Ramsey		

13

## FOR THE NEGATIVE.

Angel	Farrar	Hutchinson	Low	Tobey
Clark	Folger	Little	Montgomery	Young
Cook				

11

Mr. Ganson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Munroe	Ramsey	Smith
Angel	Connolly	Murphy	Richards	Truman
Bailey	Ganson	Pruyn	Robertson	Young
Bradley	Montgomery			

17

FOR THE NEGATIVE.

Cook	Hutchinson	Little	Low	Tobey
Folger				

6

Mr. Pruyn offered the following resolution :

*Resolved*, That 750 extra copies of the report of the Regents of the University on the determination of longitudes, be printed for the use of the Regents.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Angel offered the following resolution :

*Resolved*, That the standing committee to which was referred so much of the Governor's message as relates to the Onondaga Salt springs, be instructed to report by bill increasing the duty on salt, and that they make such report on or before the 8th day of April next.

Mr. Munroe moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Bailey offered the following resolution :

*Resolved*, That the committee on the judiciary be directed to inquire whether a statute cannot be framed defining the circumstances under which the State will pay damages to individuals occasioned by the defective condition of the canals of the State, and by the neglect or carelessness of the officers and employees of the State, in respect to said canals, and allowing parties claiming such damages to apply to the Supreme Court for a determination of the same, and providing for notice of such application to be given to the Attorney General, and also providing for issues therein and for the trial of the same. And if said committee shall be of opinion that such a statute can be framed, and that the same would be proper, that they report a bill for that purpose.

Pending the question on the adoption of said resolution, the hour of 12 o'clock having arrived, the President announced the special order, being the bill entitled as follows :

"An act dividing the State into Congressional districts."

Mr. Robertson moved that said special order be postponed until Tuesday next at 12 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Connolly	Hardin	Munroe	Ramsey
Bradley	Farrar	Hutchinson	Murphy	Robertson
Clark	Ganson	Little	Pruyn	Sanford

15

FOR THE NEGATIVE.

Angel	Folger	Richards	Tobey	Young
Cook	Montgomery	Smith	Truman	

9

The Senate then resumed the consideration of the question pending at the hour of 12 o'clock, being on the adoption of the resolution offered by Mr. Bailey.

Mr. Murphy moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Hutchinson moved that the claim bills on general orders be made the special order for Monday evening next, and that the Senate hold a session on that evening for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Farrar moved that the Assembly bill entitled "An act to authorize the construction and maintenance of a bridge over the Genesee Valley canal, at Atkinson street, in the city of Rochester," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Hardin moved that the Assembly bill entitled "An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases," be recommitted to the committee on the judiciary; to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that when the Senate adjourn to day, it adjourn until Monday evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bradley	Freer	Munroe	Pruyn	Robertson	
Clark	Hardin	Murphy	Ramsey	Smith	
Connolly					11

#### FOR THE NEGATIVE.

Angel	Farrar	Hutchinson	Montgomery	Tobey	
Bailey	Folger	Little	Richards	Young	
Cook	Ganson	Low			18

The Assembly sent for concurrence the following resolution :

*Resolved*, (if the Senate concur,) That the Canal Board be requested to regulate and maintain the height of the State dam at Phoenix, so as to cause the depth of water in the canal to be seven feet, and no more, and that no repairs shall be made, or flush boards used on said dam, which shall raise the water in said canal above the height of seven feet.

*Ordered*, That said resolution be laid on the table.

Mr. Ramsey moved that the bill entitled "An act to amend the charter of the Schenectady Fire Insurance company, and to change its name," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin moved that the Assembly bill entitled "An act to revise the charter of the village of Binghamton," be made the special order for Tuesday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Murphy moved that the following entitled Assembly bills, be referred to the first committee of the whole, not full :

"An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens, State of New York."

"An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings and State of New York."

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bailey moved that the bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts,'" be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the Assembly bill entitled "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Pruyn moved that the bill entitled "An act to amend an act entitled 'An act relating to the distribution and application of the revenues of the Literature Fund,' passed April 22, 1834," be recommitted to the committee on literature, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Smith moved that the bill entitled "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in Great Britain and France,'" be re-committed to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend title 4, chapter 17, part 1st of the Revised Statutes, entitled 'Of hawkers and pedlars.'"

"An act to provide for the selection of jurors in courts held by justices of the peace."

Assembly, "An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861."

After some time spent therein, the President resumed the chair, and Mr. Abbott, from said committee, reported progress on the two first named bills, and asked and obtained leave to sit again.

Mr. Abbott, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester,' passed April 2, 1860."

Assembly, "An act to authorize the construction and maintenance of a bridge over the Genesee Valley canal, at Atkinson street, in the city of Rochester, upon certain conditions."

"An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Folger, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens, State of New York."

"An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings and State of New York."

After some time spent therein, the President resumed the chair, and Mr. Farrar, from said committee, reported that they have made sundry amendments to said bills, and amended the titles by striking from each the words "and State of New York," and as amended, recommend their passage ; which report was agreed to and said bills ordered to a third reading.

By unanimous consent, Mr. Connolly presented a petition of Stephen Knapp, for a release by the people of this State of their interest in certain lands in the county of Kings, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Smith moved that the bill entitled "An act to provide compensation to passengers for personal injury sustained while being transported over the railroads in the State of New York, and for the establishment of surgical stations on the lines of the railroads, with hospital accommodations," be recommitted to the committee on insurance companies.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France,' with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Young, the Senate adjourned.



## MONDAY, APRIL 7, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Cady.

The journal of Saturday was read and approved.

Mr. Young presented a memorial of Peter Wilson, Grand Sachem and Chief of the Cayuga Nation of Indians for aid, which was read and referred to the committee on Indian affairs.

Mr. Pruyn presented two remonstrances of merchants of this State, against the passage of the act in relation to hawkers and peddlers, which were read and referred to the committee of the whole.

Mr. Montgomery presented a remonstrance of inhabitants of Richmond county, against the passage of the bill in relation to superintendents of the poor in said county, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840."

"An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester,' passed April 2, 1860."

"An act relating to actions pending in the Supreme Court in the county of Erie."

"An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France.'"

"An act to incorporate The Ten Broeck Free Academy."

Mr. Young, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Joseph H. Godwin," reported the same to the Senate for its consideration, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Richard Calrow, junior," reported the same to the Senate for its consideration, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Benjamin W. Whitcher," reported in favor of the passage of the same; and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following resolution:

*Resolved*, (if the Senate concur,) That there be printed of the Transactions of the American Institute, for the year 1861, twenty-five copies for

each member, officer and reporter of the Legislature; 750 copies for said Institute; twenty copies for each County Agricultural society in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly; ten copies for each Town Agricultural society, and fifty copies for the Regents of the University for exchange.

*Ordered*, That said resolution be laid on the table.

The Assembly also sent for concurrence the following resolution :

*Resolved*, (if the Senate concur,) That 1,000 copies of the Transactions of the Agricultural society be printed for the State Agricultural society; 25 copies for each member and officer of the Legislature; 15 copies for each reporter of the Legislature; 20 copies for each County Agricultural society in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly; 10 copies for each Town Agricultural society; 15 copies for each Union Agricultural society, and 50 copies for the Regents of the University; and that said report be printed and bound in the same manner as last year, and be distributed in accordance with the foregoing resolution, without delay.

*Ordered*, That said resolution be laid on the table.

The bill entitled "An act to incorporate the Ten Broeck Free Academy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Robertson	Truman
Angel	Folger	Montgomery	Sanford	Willard
Bailey	Freer	Pruyn	Smith	Young
Connolly	Hutchinson	Ramsey		

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The third reading of the bill entitled "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in Great Britain and France,'" having been announced—

On motion of Mr. Pruyn and by unanimous consent, said bill was amended by adding the following at the end of section 1 :

"The Governor may in his discretion, at any time hereafter, appoint a commissioner for any other foreign State or country, who shall have the like powers as the commissioners above named."

Also at the end of section 2, add the following :

"And in all other countries the same compensation as is allowed the commissioners in France."

Amend the title by adding thereto the words "and other foreign countries."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Truman
Angel	Folger	Low	Robertson	Willard
Bailey	Freer	Montgomery	Sanford	Young
Connolly	Hutchinson	Pruyn	Smith	

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Folger	Low	Robertson	Truman
Angel	Freer	Montgomery	Sanford	Willard
Bailey	Hutchinson	Pruyn	Smith	Young
Cook	Little	Ramsey		

18

## FOR THE NEGATIVE.

Connolly

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Smith
Angel	Folger	Low	Richards	Truman
Bailey	Freer	Montgomery	Robertson	Willard
Bradley	Hutchinson	Pruyn	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act entitled 'An act for the incorporation of the village of Oxford and for other purposes, passed April 6, 1808,' and the acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith
Angel	Cook	Little	Ramsey	Truman
Bailey	Folger	Low	Robertson	Willard
Bradley	Freer	Montgomery	Sanford	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to repeal certain sections of chapter 280 of the Laws of 1843," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith
Angel	Cook	Little	Ramsey	Truman
Bailey	Folger	Low	Robertson	Willard
Bradley	Freer	Montgomery	Sanford	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms, Westchester, Eastchester, New Rochelle, Yonkers and Morrisania, in the county of Westchester,' passed April 2, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Smith
Bailey	Folger	Low	Richards	Willard
Bradley	Freer	Montgomery	Robertson	Young
Connolly	Hutchinson	Pruyn	Sanford	

19

## FOR THE NEGATIVE.

Angel

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Smith
Angel	Folger	Low	Richards	Truman
Bailey	Freer	Montgomery	Robertson	Willard
Bradley	Hutchinson	Pruyn	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Iroquois Agricultural society, reported in favor of the adoption of the following resolution :

*Resolved*, That 250 copies of the Agricultural report of the Iroquois Agricultural society be printed for distribution by said Agricultural society, through its Secretary.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Regents of the University on the determination of longitudes, reported in favor of the adoption of the following resolution :

*Resolved*, That 750 extra copies of the report of the Regents of the University on the determination of longitudes, be printed for the use of the Regents.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Abbott moved that the bill entitled "An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor

for canal repairs on section ten, Erie canal," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Freer moved that the bill entitled "An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," be recommended to the select committee reporting it, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that the Assembly bill entitled "An act to provide for the examination of the accounts of the Treasurer and other State officers," be made the special order for Tuesday evening, and be referred to the same committee having in charge the Assembly bill entitled "An act to revise the charter of the village of Binghamton."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to incorporate the Tompkinsville Fire Police company, of the village of Tompkinsville, town of Castleton, Richmond county."

"An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz."

"An act to release the interest of the people of this State in certain land whereof John Johnson died seised, to John Johnson and James Johnson."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Folger moved that the bill entitled "An act to amend the Code of Procedure, and to extend the term of office of the commissioners of the Code appointed under the act of April 6, 1857, and to repeal section 37, article 2, title 2, chapter 1st, part 3d of the Revised Statutes," be made the special order for Wednesday evening at 7 o'clock, and that the Senate hold a session on that evening for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend the charter of the Schenectady Fire Insurance company, and to change its name."

"An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor for canal repairs on section 10, Erie canal."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts.'"

After some time spent therein, the President resumed the chair, and Mr. Hutchinson, from said committee, reported that they had gone through with the first named bill, and struck out the enacting clause, which report was agreed to and said bill rejected.

Mr. Hutchinson, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hutchinson, from the same committee, reported progress on the last named bill, and asked leave to sit again.

Mr. Bailey moved that the committee of the whole be discharged from the further consideration of said bill, and that it be recommitted to the committee on charitable and religious societies, with power to report complete.

The President put the question whether the Senate would agree to said motion of Mr. Bailey, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Folger	Pruyn	Sanford	Tobey	
Bailey	Freer	Richards	Smith	Truman	
Cook					11

## FOR THE NEGATIVE.

Angel	Ganson	Ramsey	Robertson	Young	
Connolly	Low				7

On motion of Mr. Truman, the Senate took a recess until 7 o'clock.

## SEVEN O'CLOCK, P. M.

The Senate again met, resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being claim bills on the general orders, entitled as follows :

"An act for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract to William McArthur for the repairs of section number three Genesee Valley canal."

Assembly, "An act for the relief of Adden Bardin, George Hahn, Nathaniel P. Osborn and John Fabrig, for canal damages."

Assembly, "An act for the relief of Hiram H. Walbridge, Gilbert Peterson and Charles A. Danolds."

After some time spent therein, the President resumed the chair, and Mr. Folger, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Folger, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows :

"An act for the relief of Willis B. Sayre."

"An act for the relief of Benjamin B. Clapp for canal damages."

"An act for the appraisal of the damages of Nathaniel N. Sargeant, caused by a break in the Black river canal."

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered to a third reading.

By unanimous consent, Mr. Smith asked and obtained leave to introduce a bill entitled "An act for enlarging the locks upon the Erie and Oswego canals, for enlarging the Champlain canal and locks, and for the passage of boats, vessels, supplies and munitions of war belonging to the United States Government through the said canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Senate again resolved itself into a committee of the whole, and pro-

ceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof."

"An act authorizing the appraisal and payment of canal damages to Patrick Buckley, caused by a break in the Champlain canal in the town of Fort Edward, Washington county."

"An act for the relief of Benjamin W. Whitcher."

After some time spent therein, the President resumed the chair, and Mr. Angel, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Angel, from the same committee, reported in favor of the passage of the two last named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Ramsey moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Freer	Low	Pruyn	Robertson	
Bell	Little	Montgomery	Ramsey	Young	19

#### FOR THE NEGATIVE.

Abbott	Connolly	Ganson	Munroe	Tobey	
Angel	Cook	Hardin	Smith	Truman	
Bradley	Folger	Hutchinson			13

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act for the relief of Richard Calrow, junior."

"An act for the relief of Joseph H. Godwin."

After some time spent therein, the President resumed the chair, and Mr. Smith, from said committee, reported in favor of the passage of the first named bill, with amendments.

Mr. Truman moved to disagree with the report of the committee, and that said bill be recommitted to the committee of the whole.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

Mr. Smith, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Little, the Senate adjourned.

### TUESDAY, APRIL 8, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Bush.

The journal of yesterday was read and approved.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to authorize the city of Schenectady to purchase a steam fire engine."

"An act for the release of certain lands and real estate of which Thomas Britton died seised to Eleanor Britton his widow."

"An act making an appropriation to the People's College." \*

"An act for the relief of the Troy University."

"An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Buffalo,' passed March 23, 1837."

"An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1859."

"An act relative to the trial of offences committed against joint stock associations."

"An act to confer additional powers upon the Metropolitan Police, relating to the inspection of steam boilers."

"An act to amend an act passed April 8, 1821, entitled 'An act supplemental to an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government and to incorporate the same,' passed April 17, 1854.'"

"An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county."

"An act to authorize the Greenwood cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets."

"An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes."

"An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act for establishing academical departments in the different 'Union Schools,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to reorganise the State Lunatic Asylum for insane convicts,'" with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend the charter of the Schoharie Kill Bridge company, and Laws relating thereto."

"An act for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract to William McArthur for the repairs of section number three Genesee Valley canal."

"An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor for canal repairs on section ten, Erie canal."

The Assembly sent for concurrence the following entitled bills:

"An act to authorize the board of town auditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expenses of keeping the same in repair,' passed March 24, 1857," which was read



the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act supplementary to an act passed April 16th, 1860, and supplementary to an act passed April 3d, 1861, to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the county of Queens, passed April 25, 1814,' and to enlarge the powers of the corporation of said village,' passed April 10, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to facilitate the ingress of salmon into Cayuga Lake, and for the protection of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend the act entitled 'An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages,' passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to punish frauds upon laborers and others seeking employment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to reduce taxation in the city of New York, by applying to that purpose the surplus revenues of the sinking fund for the payment of interest on the city debt," which was read the first time, and by unanimous consent was also read the second time.

Mr. Woodruff moved that said bill be referred to a select committee consisting of the Senators from the city and county of New York.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

"An act to repeal all existing laws which prohibit fishing with nets in the Crooked Lake, in the counties of Steuben and Yates," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act prohibiting the use of suspension or chain bridges at ferry landings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to incorporate the 'American Shipmasters' Association,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act granting and releasing all the right, title, and interest of the people of the State of New York in and to a messuage lot of land in the Nineteenth ward of the city of New York to Augusta Theresa Arnold and

Mary Ulrich," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Eliza Harrison, an alien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the making of sidewalks and planting shade trees along highways of this State other than in cities and incorporated villages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the collection of agricultural statistics in the several counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to release the interest of the State in certain lands of which John Turnbull died seized to Margaret Turnbull," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal section 45 of article 3, title 7, chapter 2, part 4 of the Revised Statutes, relating to expenditures for apprehension of criminals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the sale of the property of the Baptist Church in the village of New Haven, county of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly returned the bill entitled "An act to authorize the board of supervisors of the county of New York to raise money by loans, and to create a public fund or stock to be called 'The New York County Court House Stock,' and to authorize the Commissioners of the Sinking Fund to receive and purchase said stock," with a message that they had concurred in the passage of the same, with the following amendment:

In section 2, line 12, engrossed bill, insert before the word "mayor" the words "comptroller and countersigned by the."

Mr. Cornell moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Richards	Tobey
Angel	Cornell	Montgomery	Robertson	Truman
Bailey	Ganson	Munroe	Sanford	Woodruff
Bell	Hardin	Murphy	Smith	Young
Clark	Hutchinson			

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860," with a message that they had concurred in the passage of the same, with the following amendments:

Add as sections 6 and 7:

"Sec. 6. No man shall bind his child to apprenticeship or service or part with the control of such child or create any testamentary guardian therefor, unless the mother, if living, shall in writing signify her assent thereto."

"Sec. 7. A married woman may be sued in any of the courts of this State, and whenever a judgment shall be recovered against a married wo-

man the same may be enforced by execution against her sole and separate estate in the same manner as if she were sole."

"Change section 6 to section 8."

Mr. Ganson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Bradley	Freer	Murphy	Truman
Angel	Clark	Hutchinson	Richards	Woodruff
Bailey	Cook	Little	Sanford	Young
Bell	Cornell	Montgomery	Smith	

19

FOR THE NEGATIVE.

Connolly	Ganson	Hardin	Munroe	Tobey
Folger				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861," with a message that they had concurred in the passage of the same, with the following amendments :

In lines 5 and 6, section 2, engrossed bill, strike out the words "in such form and with such conditions as they may deem for the best interest of the State."

Add at the close of said second section, the following words :

"The said letters patent or lease to contain the condition that upon the termination of the supply of water by the Croton aqueduct board, the lands conveyed by such letters patent shall revert to the people of the State of New York, and the letters patent or lease then and thereupon to become void, and also to contain such other conditions and provisions as the said Commissioners of the Land Office shall deem necessary for the preservation of the interests of the people of this State."

Mr. Woodruff moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Smith
Angel	Folger	Hutchinson	Richards	Tobey
Bailey	Freer	Montgomery	Robertson	Woodruff
Bradley	Ganson	Munroe	Sanford	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson," with a message that they had concurred in the passage of the same, with the following amendment :

Add as section 10, the following :

"Sec. 10. Every person who shall wilfully set fire to or burn in the night time any store or ware house not adjoining to or within the curtilage of any inhabited dwelling house so that such house shall not be endangered by such firing, shall upon conviction, be adjudged guilty of arson in the third degree."

Mr. Ganson moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Robertson
Angel	Cook	Hutchinson	Murphy	Sanford
Bailey	Folger	Little	Pruyn	Smith
Bell	Freer	Low	Richards	Tobey
Clark	Ganson			

22

## FOR THE NEGATIVE.

Bradley	Montgomery	Truman	Woodruff	Young
Cornell				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

By unanimous consent, Mr. Young asked and obtained leave to introduce a bill entitled "An act to authorize Hanson A. Risley, as late clerk of Chautauqua county, to sign the records made during his term of office as such clerk," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill referred to a select committee consisting of Senators from the 31st and 32d districts, with power to report complete.

The bill entitled "An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Munroe	Sanford
Angel	Cornell	Little	Murphy	Tobey
Bailey	Folger	Low	Pruyn	Truman
Bradley	Freer	Montgomery	Richards	Young
Clark	Hardin			

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor for canal repairs on section ten, Erie canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Freer	Low	Ramsey	Truman
Bailey	Hardin	Munroe	Richards	Woodruff
Clark	Hutchinson	Murphy	Sanford	Young
Cornell	Little	Pruyn		

18

## FOR THE NEGATIVE.

Folger	Ganson	Montgomery	Tobey
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4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract to William McArthur for the repairs of section No. 3 Genesee Valley canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Pruyn	Sanford
Angel	Folger	Hutchinson	Ramsey	Truman
Bailey	Freer	Munroe	Richards	Young
Clark	Ganson	Murphy	Robertson	19

## FOR THE NEGATIVE.

Bell	Little	Montgomery	Tobey	Woodruff
Cornell	Low			7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Murphy	Sanford
Bailey	Cornell	Low	Pruyn	Smith
Bell	Freer	Montgomery	Ramsey	Young
Clark	Hutchinson	Munroe	Robertson	19

## FOR THE NEGATIVE.

Angel	Folger	Ganson	Richards	Tobey
				5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

By unanimous consent, Mr. Ganson, from the select committee consisting of the Senators from the 31st and 32d districts, to which was referred the bill entitled "An act to authorize Hanson A. Risley, as late clerk of Chautauqua county, to sign the records made during his term of office as such clerk," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Ganson moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Murphy	Smith
Angel	Folger	Little	Pruyn	Tobey
Bailey	Freer	Low	Ramsey	Truman
Bell	Ganson	Montgomery	Richards	Woodruff
Clark	Hardin	Munroe	Sanford	Young
Connolly				26

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act for the relief of Adden Bardin, George Hahn, Nathaniel P. Osborn and John Fabrig for canal damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Munroe	Sanford
Angel	Connolly	Hutchinson	Murphy	Smith
Bailey	Cornell	Little	Pruyn	Young
Bell	Folger	Montgomery		

18

FOR THE NEGATIVE.

Low	Tobey	
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act for the relief of Hiram H. Walbridge, Gilbert Peterson and Charles A. Danolds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Little	Pruyn	Smith
Angel	Freer	Montgomery	Ramsey	Tobey
Bailey	Ganson	Munroe	Richards	Truman
Clark	Hardin	Murphy	Sanford	Young
Connolly	Hutchinson			

22

FOR THE NEGATIVE.

Bell	Low	
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Willis B. Sayre," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Folger	Montgomery	Ramsey	Smith
Angel	Freer	Munroe	Richards	Tobey
Bailey	Ganson	Murphy	Robertson	Truman
Clark	Hutchinson	Pruyn	Sanford	Young
Connolly	Little			

22

FOR THE NEGATIVE.

Low		
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1

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Benjamin B. Clapp for canal damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill; and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Richards	Smith	
Angel	Cornell	Hutchinson	Robertson	Truman	
Bailey	Freer	Murphy	Sanford	Young	
Clark	Ganson	Pruyn			18

## FOR THE NEGATIVE.

Folger	Little	Low	Montgomery	Tobey	5
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the appraisal of the damages of Nathaniel N. Sargent, caused by a break in the Black river canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford	
Angel	Cornell	Hutchinson	Pruyn	Smith	
Bailey	Freer	Munroe	Robertson	Woodruff	
Connolly					16

## FOR THE NEGATIVE.

Bell	Folger	Little	Montgomery	Tobey	
Clark	Ganson	Low	Richards	Truman	10

Mr. Bailey moved that said vote be reconsidered, and that that motion lay on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The hour of 12 o'clock having arrived, the President announced the special order, being the bills entitled as follows:

"An act dividing the State into Congressional districts."

"An act to divide the State into Congressional districts."

Mr. Folger offered the following resolution:

*Resolved*, That Senate bills Nos. 246 and 247, called the Congressional apportionment bills, be referred to a select committee, to report complete.

Mr. Ganson moved to amend by adding to said resolution the following:

"That such committee make the apportionment without dividing any county except the counties of New York and Kings, and that in dividing such counties no part of them be connected with any other county, and that the districts be made of contiguous territory."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bradley	Cornell	Ganson	Ramsey	Woodruff	
Connolly	Freer	Murphy			8

## FOR THE NEGATIVE.

Abbott	Clark	Hutchinson	Munroe	Smith	
Angel	Cook	Little	Richards	Tobey	
Bailey	Folger	Low	Robertson	Young	
Bell	Hardin	Montgomery	Sanford		19

Mr. Murphy moved to amend by adding the words:

"And the districts shall be composed of contiguous territory."

The President put the question whether the Senate would agree to said amendment, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Ganson	Ramsey	Truman	
Bradley	Folger	Little	Richards	Woodruff	
Connolly	Freer	Murphy			13

## FOR THE NEGATIVE.

Abbott	Clark	Hutchinson	Munroe	Smith	
Bailey	Cook	Low	Robertson	Young	
Bell	Hardin	Montgomery	Sanford		14

The President then put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

The Assembly bill entitled "An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Ramsey	Smith	
Angel	Connolly	Hutchinson	Richards	Truman	
Bailey	Cornell	Munroe	Robertson	Woodruff	
Bradley	Freer	Murphy	Sanford	Young	20

## FOR THE NEGATIVE.

Bell	Hardin	Low	Montgomery	Tobey	
Folger	Little				7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Benjamin W. Whit-cher," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Ramsey	Smith	
Angel	Connolly	Hutchinson	Richards	Truman	
Bailey	Cornell	Munroe	Robertson	Young	
Bradley	Freer	Murphy	Sanford		19

## FOR THE NEGATIVE.

Bell	Ganson	Little	Montgomery	Tobey	
Folger					6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act authorizing the appraisal and payment of canal damages to Patrick Buckley, caused by a break in the Champlain canal in the town of Fort Edward, Washington county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey  
Bell

Bradley  
Connolly  
Freer  
Hutchinson

Munroe  
Murphy  
Richards

Robertson  
Sanford  
Smith

Tobey  
Truman  
Young

17

## FOR THE NEGATIVE.

Cornell  
Folger

Ganson

Hardin

Little

Montgomery

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Woodruff, from the select committee consisting of the delegation from the city of New York, to which was referred the Assembly bill entitled "An act to reduce taxation in the city of New York, by applying to that purpose the surplus revenues of the sinking fund for the payment of interest on the city debt," reported in favor of the passage of the same.

On motion of Mr. Connolly and by unanimous consent, the rules were suspended and said bill recommitted to the committee, to report complete.

By unanimous consent, Mr. Folger, from the select committee consisting of Senators Folger, Freer and Hardin, to which was referred the bill entitled "An act supplementary and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger offered the following resolution :

*Resolved*, That there be printed and bound six copies for each member, officer and reporter of the Legislature, of the "Draft of a Civil Code for the State of New York," and 500 for the Commissioners; the work to be done under the direction of said Commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Bell moved that the Assembly bill entitled "An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1862," be made the special order at 12 m., Wednesday, and each day thereafter at the same hour, until disposed of.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bailey moved that the Assembly bill entitled "An act to amend an act to provide for re-building the locks on the Oneida Lake canal," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bill as proper to be taken from the general orders and recommitted to the appropriate standing committee, to report complete, to wit:

"An act to repeal an act entitled 'An act to incorporate the Metropolitan Medical College of the city of New York,' passed March 28, 1857."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be recommitted to the standing committee reporting it, with power to report complete.

Mr. Hardin moved to take from the table the report of the committee on the judiciary, adverse to the Assembly bill entitled "An act for the relief of John N. Elmore."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hardin moved that the Senate disagree to said report, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey presented a communication from the officers of the State prison at Sing Sing, in reply to the report of Amos Pillsbury, which was laid on the table and ordered printed.

(See Doc. No. 91.)

By unanimous consent, Mr. Woodruff, from the select committee consisting of the Senators from the city and county of New York, to which was referred the Assembly bill entitled "An act to reduce taxation in the city of New York, by applying to that purpose the surplus revenues of the sinking fund for the payment of interest on the city debt," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Ganson—

*Resolved*, That the clerks of the respective boards of supervisors of this State transmit to the Comptroller, by the 15th day of December next, a statement in detail of the expenses of their boards respectively, such as the allowances to the supervisors, clerk hire, printing, fuel, stationery, mileage, &c.

*Resolved*, That the Clerk of the Senate transmit to the clerk of each board of supervisors in this State a copy of the foregoing resolution.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

"An act in relation to warrants issued by county treasurers against defaulting collectors."

"An act to amend an act to provide for re-building the locks on the Oneida Lake canal."

After some time spent therein, the President resumed the chair, and Mr. Murphy, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Murphy, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Murphy, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bailey moved that said bill be made the special order for Wednesday evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President announced as the select committee on apportionment of the State into Congressional districts—Messrs. Folger, Woodruff and Angel.

On motion of Mr. Angel, the Senate took a recess until 7 o'clock P. M.

## SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly returned the following entitled bills:

"An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock to be called 'The New York County Court House stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock."

"An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the following entitled bills:

"An act entitled 'An act to provide for the enrollment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

"An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

"An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act in relation to fees of supervisors for delivering school moneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to provide for the licensing of ballast lighters in the port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to incorporate the fire department of the village of Corning," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the charter of the village of North Watertown, Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to provide for the collection of demands against ships and vessels," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was recommitted the Assembly bill entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize and require the Comptroller of the State of New York to settle with the treasurers of Essex and Warren counties in relation to rejected non-resident taxes," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair,' passed March 24, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act supplementary to an act passed April 16th, 1860, and supplementary to an act passed April 3d, 1861, to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams, in said county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to provide for the examination of the accounts of the Treasurer and other State officers."

"An act to revise the charter of the village of Binghamton."

After some time spent therein, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Connolly, from the same committee, reported progress on the last named bill, and asked leave to sit again.

The President put the question whether the Senate would grant leave to sit again, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Bradley	Connolly	Hutchinson	Ramsey	
Bell	Clark	Freer	Pruyn	Smith	10

#### FOR THE NEGATIVE.

Bailey	Little	Montgomery	Richards	Truman	
Folger	Low	Murphy	Tobey	Young	11
Ganson					

Mr. Ramsey moved to reconsider the vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Hutchinson moved that the Assembly bill entitled "An act to regulate the size of apple barrels," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson moved that the bill entitled "An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved that the Assembly bill entitled "An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act to regulate the size of apple barrels."

"An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies."

After some time spent therein, the President resumed the chair, and Mr. Bradley, from said committee, reported that they had gone through with the first named bill, made sundry amendments thereto, and amended the title by inserting after the word "apple" the words "pear or potato," and as amended, recommend its passage.

Mr. Hutchinson moved to amend said report by striking out the words "and four" inserted by the committee of the whole.

The President put the question whether the Senate would agree to said motion of Mr. Hutchinson, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Folger	Hardin	Ramsey	Truman	
Bell	Ganson	Hutchinson	Richards	Young	10

#### FOR THE NEGATIVE.

Bradley	Little	Montgomery	Murphy	Pruyn	
Connolly	Low				7

The President then put the question whether the Senate would agree to the report of the committee of the whole, as amended, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

Mr. Bradley, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Connolly presented a petition of John W. Latson, late colonel of the Latson Horse Artillery, to be reimbursed for losses in organizing said regiment, which was read and referred to the committee on finance.

On motion of Mr. Truman, the Senate adjourned.

## WEDNESDAY, APRIL 9, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Cady.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following bill as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to incorporate the Brooklyn Mutual Loan and Improvement company."

Also the following entitled Assembly bills:

"An act supplementary to an act passed April 16th, 1860, and supplementary to an act passed April 3d, 1861, to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams, in said county."

"An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant."

"An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union."

"An act to authorize and require the Comptroller of the State of New York to settle with the treasurers of Essex and Warren counties in relation to rejected non-resident taxes."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Ganson presented a petition of citizens of Buffalo, to impose an increased duty on salt, which was read and referred to the committee on manufacture of salt.

Mr. Smith presented two petitions of citizens of Kings county, in favor of the passage of the Metropolitan Health bill, which were read and referred to the committee on commerce and navigation.

Mr. Clark presented a petition of citizens of Madison county, for the passage of the act in relation to actions brought by receivers of Mutual Insurance companies, which was read and laid on the table.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act supplementary to an act passed April 16th, 1860, and supplementary to an act passed April 3d, 1861, to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams, in said county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend the existing Laws which prohibit fishing with nets in Crooked Lake, in the

counties of Steuben and Yates, and to increase penalties for taking trout therefrom," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to facilitate the ingress of salmon into Cayuga Lake, and for the protection of the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to fees of supervisors for delivering school moneys," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize and require the Comptroller of the State of New York to settle with the treasurers of Essex and Warren counties in relation to rejected non-resident taxes," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Truman, from the committee on claims, to which was referred the petition of Jane C. Wilson, Frances H. Rosseel, Charles Townsend, Charles Townsend, jr., Louis Townsend, George Townsend, George Coit and others, for appraisement and payment of damages sustained by reason of raising canal bridge and street, reported by bill entitled "An act to provide for the appraisement and payment of canal damages sustained by Jane C. Wilson, Frances H. Rosseel, Charles Townsend, Charles Townsend, 2nd, jr., Louis Townsend, George Townsend, George Coit, Hiram E. Howard and George Palmer, by reason of raising the canal bridge over the Erie canal on Prince street in the city of Buffalo, Erie county, and by raising of the grade of Prince street, in said city," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of John Copeland for damages caused by the overflow of the Erie canal," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Peter Smith," reported adversely thereto.

Mr. Pruyn moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of C. Amelia Vernam and

McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to provide for the collection of agricultural statistics in the several counties of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the board of town auditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the making of sidewalks and planting shade trees along highways of this State other than in cities and incorporated villages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The President presented a communication from the Albany County Medical Society, in the words following, to wit:

#### ALBANY COUNTY MEDICAL SOCIETY.

At a special meeting of the Albany County Medical Society, held on the 7th of April, 1862, the following resolutions were presented by Dr. Hun, and adopted.

*Resolved*, That the members of this Society approve of the provisions of the Metropolitan Health Bill, and believing that all parts of the State will be benefited by its passage, they respectfully ask for it the favorable consideration of the Legislature.

*Resolved*, That a copy of this resolution, signed by the President and Secretary of the Society, be sent to both Houses of the Legislature.

S. OAKLEY VANDERPOEL, *President*.

OSCAR H. YOUNG, *Secretary*.

The Assembly returned the bill entitled "An act to make the common schools free in district number five, in the county of Oneida, and to provide a tax for that purpose," with a message that they had concurred in the passage of the same, with the following amendment:

Before the word "county" in the title, insert the words "town of Rome, in the."

Mr. Bailey moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE,

Bailey	Cook	Ganson	Murphy	Sanford
Bradley	Cornell	Hardin	Prun	Smith
Clark	Folger	Little	Richards	Tobey
Connolly	Freer	Montgomery	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860," with a message that they had concurred in the passage of the same, with the following amendments:

Sec. 2, after the word "sum" insert the words "on the extension,"



Same section, after word "exceeding" strike out the balance of the section, and insert in lieu thereof the words "three cents, and the board of directors shall consist of not less than five nor more than thirteen directors."

Mr. Murphy moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cornell	Little	Richards	Tobey
Bradley	Folger	Montgomery	Robertson	Truman
Clark	Freer	Murphy	Sanford	Woodruff
Connolly	Ganson	Pruyn	Smith	Young
Cook	Hardin			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Little asked and obtained leave to introduce a bill entitled "An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to additions of cash capital to existing funds of Mutual Marine Insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act to incorporate the Exchange Company of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Murphy and by unanimous consent, the rules were suspended and said bill was read a third time

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Richards	Tobey
Bailey	Cornell	Little	Robertson	Truman
Bradley	Folger	Murphy	Sanford	Woodruff
Clark	Ganson	Pruyn	Smith	Young
Connolly				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Little	Richards	Tobey
Bailey	Cook	Montgomery	Robertson	Truman
Bradley	Ganson	Murphy	Sanford	Woodruff
Clark	Hardin	Pruyn	Smith	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to reduce taxation in the city of New York, by applying to that purpose the surplus revenues of the sinking fund for the payment of interest on the city debt," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Murphy	Sanford	Truman
Angel	Cook	Pruyn	Smith	Woodruff
Bailey	Little	Richards	Tobey	Young
Bradley	Montgomery	Robertson		

18

FOR THE NEGATIVE. .

Ganson	Hardin			
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Richards	Tobey
Angel	Cook	Little	Robertson	Truman
Bailey	Folger	Montgomery	Sanford	Woodruff
Bell	Freer	Murphy	Smith	Young
Clark	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to provide for the examination of the accounts of the Treasurer and other State officers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Richards	Tobey
Angel	Connolly	Little	Robertson	Truman
Bailey	Cook	Montgomery	Sanford	Woodruff
Bell	Folger	Murphy	Smith	Young
Bradley	Freer	Pruyn		

23

FOR THE NEGATIVE.

Ganson				
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The third reading of the bill entitled "An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857," having been announced—

Mr. Bell moved to recommit said bill to the select committee reporting it, with instructions to amend section 6, by adding at the end of the first line after the word "any" the words "wine, ale or beer."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bell Clark	Little Low	Montgomery Richards	Smith	Young	8
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## FOR THE NEGATIVE.

Abbott	Connolly	Freer	Murphy	Sanford	
Angel	Cook	Ganson	Pruyn	Tobey	
Bailey	Cornell	Hardin	Robertson	Woodruff	
Bradley	Folger				17

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Smith	
Bailey	Cornell	Little	Pruyn	Tobey	
Bradley	Folger	Low	Richards	Truman	
Clark	Freer	Montgomery	Robertson	Woodruff	
Connolly	Ganson	Munroe	Sanford		24

## FOR THE NEGATIVE.

Bell	Ramsey	Young	8
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize Hanson A. Risley, as late clerk of Chautauqua county, to sign the records made during his term of office, as such clerk."

"An act supplemental and amendatory to an act to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 16, 1857."

The Assembly returned the following entitled bill:

"An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad."

*Ordered*, That the Clerk deliver said bill to the Governor.

The hour of 12 o'clock having arrived, the Senate went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1862."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

On motion of Mr. Truman, the Senate took a recess until 7 o'clock P. M.

## SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the following entitled bills:

"An act for the relief of Elisha Mors and George S. Weaver," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the appraisal and payment of canal damages to Richard Claxton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of James O'Brien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Otis Smith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of John Lloyd," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act relative to the annual meeting of the supervisors of Rensselaer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to prevent animals from running at large in the public highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act,' passed May 25, 1886," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the issue of bonds by the President and Trustees of the American Guano company, of the city of New York, and the execution by them, as security for the same, of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to incorporate the Blind Mechanics' Association to be located in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act confirming acts of courts of sessions of Cortland county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize the trustees of the village of Dunkirk to pay certain Military expenses and to issue bonds for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relating to awnings in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the charter of the village of Hammondsport," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to prescribe the fire limits in the village of Newburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act making it the duty of county officers and justices of the peace

of the several counties of this State to report annually to the boards of supervisors of their respective counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to amend an act entitled 'An act to incorporate the Long Island College Hospital of the city of Brooklyn,' passed March 3, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend the statutes concerning Teachers' Institutes, and otherwise in relation to public instruction," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the bills entitled as follows:

"An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code appointed under the act of April 6, 1857, and to repeal section 37, article 2, title 2, chapter 1, part 3 of the Revised Statutes."

Assembly, "An act to amend an act to provide for the re-building of the locks on the Oneida Lake canal."

After some time spent therein, the President resumed the chair, and Mr. Woodruff, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Folger moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be referred to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion of Mr. Folger, and it was decided in the affirmative.

Mr. Woodruff, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Sanford moved that said bill be made the special order for to-morrow (Thursday evening) at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to amend the charter of the village of Dexter," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1860," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the

county of Queens, passed April 25, 1814,' and to enlarge the powers of the corporation of said village,' passed April 10, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn, to the East river, and to the permanent Bulk-head line," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Corning," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of North Watertown, Jefferson county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island College Hospital of the city of Brooklyn,' passed March 6, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

On motion of Mr. Young, the Senate adjourned.

## THURSDAY, APRIL 10, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Arthur.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommended to the appropriate standing committees, to report complete, to wit:

"An act to amend an act entitled 'An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the county of Queens, passed April 25, 1814,' and to enlarge the powers of the corporation of said village,' passed April 10, 1855.'"

"An act to facilitate the ingress of salmon into Cayuga Lake, and for the protection of the same."

"An act to authorize the extending of certain streets in the city of Brooklyn, to the East river, and to the permanent Bulk-head line."

"An act to incorporate the fire department of the village of Corning."

"An act to amend the charter of the village of North Watertown, Jefferson county."

"An act to authorize the board of town auditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers."

"An act to amend an act entitled 'An act to establish the grade of Flat-

bush avenue in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1861."

"An act to amend an act entitled 'An act to incorporate the Long Island College Hospital of the city of Brooklyn,' passed March 6, 1858."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to amend an act for the better support of the poor in the town of Newburgh, in the county of Orange, passed March 23, 1853," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend an act relating to additions of cash capital to existing funds of Mutual Marine Insurance companies," reported the same to the Senate for its consideration, with amendments, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill:

"An act to make the common schools free in district No. 5, in the town of Rome, in the county of Oneida, and to provide a tax for that purpose."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Freer, from the committee on medical societies, to which was referred the Assembly bill entitled "An act to repeal an act entitled 'An act to incorporate the Metropolitan Medical College of the city of New York,' passed March 29, 1857," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island College Hospital of the city of Brooklyn,' passed March 6, 1858," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn, to the East river, and to the permanent Bulk-head line," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the county of Queens, passed April 25, 1814,' and to enlarge the powers of the corporation of said village,' passed April 10, 1855," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Corning," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the

village of North Watertown, Jefferson county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1861," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to facilitate the ingress of salmon into Cayuga Lake, and for the protection of the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the board of town auditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Eliza Harrison, an alien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act granting and releasing all the right, title, and interest of the people of the State of New York in and to a messuage lot of land in the Nineteenth ward of the city of New York to Augusta Theresa Arnold and Mary Ulrich," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands of which John Turnbull died seized to Margaret Turnbull," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 45, of article 3, title 7, chapter 2, part 4 of the Revised Statutes, relating to expenditures for



apprehension of criminals," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to punish frauds upon laborers and others seeking employment," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bill :

"An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof," which was read the first time, and by unanimous consent was also read the second time.

Mr. Smith moved that said bill be referred to the committee of the whole.

Mr. Bradley moved to refer said bill to the committee on commerce and navigation.

Mr. Ganson moved to amend by adding "the delegation from Kings county, and two from the city of New York."

Mr. Ramsey moved to amend the motion of Mr. Bradley by striking out the words "commerce and navigation," and inserting in lieu thereof the words "cities and villages."

Pending the question, the hour of 12 o'clock having arrived, the President announced the special order, being the Assembly bill entitled as follows :

"An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1862."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Robertson offered the following resolutions :

The Senate having learned with deep sorrow of the death of Hon. Newbury D. Halstead, a representative from Westchester county in the Legislature of this State ;

*Resolved*, That in this sad event we recognize the mysterious dispensation of Providence in His dealings with men.

*Resolved*, That in the death of our associate we are called upon to mourn the loss of a legislator faithful to his trust, and of a friend whose character was marked by strict integrity and a gentleness of mind and manner which won the respect and love of all who knew him.

*Resolved*, That we tender to his afflicted family our warmest sympathy.

*Resolved*, That the Clerk of the Senate transmit to the family of the deceased a copy of these resolutions.

*Resolved*, That in respect to the memory of the deceased, we do now adjourn.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

Thereupon the President declared that the Senate would stand adjourned until 7 o'clock this evening.

## SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly returned the following entitled bill :

"An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly sent for concurrence the following entitled bills :

"An act to provide for the completion of the Chenango canal from its present termination at or near the village of Binghamton, to the North Branch canal, at the State line," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to provide for the payment of Francis Crawford, as a soldier in the first regiment of New York Volunteers, in the Mexican war," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

"An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to incorporate the Fireman's Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act for the relief of Samuel Burns for canal damages," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on claims.

"An act for the relief of John C. Adams for canal damages," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on claims.

"An act to authorize the appraisal and payment of canal damages to Anne Sophia Hobby," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the appraisal and payment of canal damages to Walter O. Talcott," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of the estate of David S. Colvin, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of James J. McCue, Simon Schermerhorn and Daniel D. Campbell," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Samuel Donaldson and Hiram Reynolds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Leora A. Poole," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Allen T. Goodrich for canal damages," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the appraisal and payment of canal damages to Conley M. Morgan and Carter H. Morgan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to extend the time for the completion of the Erie and New York city railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act authorizing the formation of town insurance companies, passed April 17, 1857, as amended March 26, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes; also, to regulate the expenditure of certain revenues of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to authorize the trustees of Amsterdam village to transfer a portion of a highway at or near that place to the control of the town commissioners of the town of Amsterdam, in the county of Montgomery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to enable the schools of the Children's Aid Society to participate in the distribution of the common school fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to change the name of the town of Bucktooth, in the county of Cattaraugus, to Salamanca," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend the charter of the village of Geneseo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the charter of the Atlantic Fire Insurance company of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to change the name of the town of Newark, in the county of Tioga, to Newark Valley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act in relation to the furnishing supplies and materials to institutions supported by the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

"An act to authorize the appraisal and payment of canal damages to Samuel Morgan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Jas. Oswald and Daniel A. Van Valkenburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act for the relief of Levi Bennett," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to authorize the appraisal and payment of canal damages to Jane Laverty, caused by a break in a reservoir upon the Genesee Valley canal, in the town of Belfast, in the county of Allegany."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon."

*Ordered,* That the Clerk return said bill to the Assembly.

By unanimous consent, Mr. Bell asked and obtained leave to introduce a bill entitled "An act declaring the office of county judge vacant in certain cases," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bell and by unanimous consent, the rules were suspended and said bill ordered read a third time.

The Clerk was proceeding to read said bill, when Mr. Ganson moved to refer the same to the committee on the judiciary, with instructions to amend so as to make said bill applicable to Lewis county only, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Angel moved that the Assembly bill entitled "An act for the relief of John N. Elmore," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ramsey moved that the Assembly bill entitled "An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Murphy asked and obtained leave to introduce a bill entitled "An act in relation to the permanent board of water commissioners in and for the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, Mr. Murphy moved that said bill be referred to a select committee consisting of the Senators from Kings county, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to authorize the construction and maintenance of a bridge across the Erie canal in the town of Frankfort, Herkimer county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to authorize the Canal Board to abandon the old canal through the village of Holley, county of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Cook, from the committee on canals, to which was referred the resolution of the Canal Board in relation to a reduction of canal tolls on salted pork and beef, reported in writing, adversely thereto,

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

(See Doc. No. 102.)

By unanimous consent, Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act for the enlarging the locks upon the Erie and Oswego canals, for enlarging the Champlain canal and locks, and for the passage of boats, vessels, supplies and munitions of war belonging to the United States government, through said canals," reported that the committee have had the same under consideration, made sundry amendments thereto, and amended the title so as to read as follows: "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," and as amended, recommend its passage; said bill was committed to the committee of the whole.

(See Doc. No. 100.)

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to amend an act to provide for re-building the locks on the Oneida Lake canal."

"An act for the relief of John N. Elmore."

After some time spent therein, the President resumed the chair, and Mr. Cornell, from said committee, reported progress on the first named bill, and asked leave to sit again.

Mr. Sanford moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion of Mr. Sanford, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Pruyn	Sanford	
Angel	Cornell	Hutchinson	Ramsey	Smith	
Bailey	Freer	Munroe	Robertson	Truman	15

#### FOR THE NEGATIVE.

Bell	Ganson	Montgomery	Tobey	Young	
Folger	Low	Richards			8

Mr. Cornell, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Angel moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Low, the Senate adjourned.

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FRIDAY, APRIL 11, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Belknap.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills, as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expenses of keeping the same in repair,' passed March 24, 1857."

"An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county."

"An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853."

"An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego."

"An act granting and releasing all the right, title and interest of the people of the State of New York in and to a messuage lot of land in the Nineteenth ward of the city of New York to Augusta Theresa Arnold and Mary Ulrich."

"An act for the relief of Eliza Harrison, an alien."

"An act to amend existing laws which prohibit fishing with nets in the Crooked Lake, in the counties of Steuben and Yates, and to increase penalties for taking trout therefrom."

"An act to release the interest of the State in certain lands of which John Turnbull died seised to Margaret Turnbull."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Pruyn presented a petition of the managers of the Home for the Friendless and Guardian Society of the city of Albany, for an appropriation, which was read and referred to the committee on finance.

Mr. Ramsey presented a petition of citizens of Delaware county, in favor of the Metropolitan Health bill, which was read and laid on the table.

Mr. Hardin presented a petition of Dr. Valentine Mott and other physicians of the city of New York, on same subject, which was read and laid on the table.

Mr. Sanford presented a remonstrance of tax payers of Phoenix, against alteration in the height of Phoenix dam, which was read and referred to the committee on canals.

Mr. Clark presented a petition of citizens of Madison county, in relation to suits brought by receivers of Mutual Insurance companies, which was read and laid on the table.

Mr. Woodruff, from the committee on State prisons, to which was referred the Assembly bill entitled "An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Erie and New York city railroad," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act in relation to the furnishing supplies and materials to institutions supported by the State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Connolly, from the committee on canals, to which was referred the Assembly bill entitled "An act to provide for the completion of the Chenango canal from its present termination at or near the village of Binghamton, to the North Branch canal at the State line," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman moved that said bill be made the special order for this evening at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson, from the committee on manufacture of salt, to which was referred so much of the Governor's message as relates to the Onondaga Salt Springs, reported by bill entitled "An act to repeal chapter 71 of the Laws of 1846, and to increase the duty on salt," which was read the first time, and by unanimous consent was also read the second time.

Mr. Ramsey offered the following resolution :

*Resolved*, That said report be referred back to the committee on the manufacture of salt, and that said committee be authorized to sit during the recess for the purpose of investigating the subject of such manufacture at Syracuse and Montezuma as will enable said committee to report at the next session of the Legislature whether it is possible or consistent with the public interest to raise a larger revenue from the Salt Springs than is realized from the present rate of duty, and also whether any change in the present system of manufacturing of salt is in any respect desirable or expedient.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Freer	Pruyn	Sanford	
Bailey	Clark	Hardin	Ramsey	Truman	
Bell	Cornell	Munroe	Robertson	Woodruff	16

#### FOR THE NEGATIVE.

Angel	Ganson	Low	Murphy	Tobey	
Cook	Little	Montgomery	Smith	Young	
Folger					11

When the name of Mr. Hutchinson was called, Mr. Ramsey moved that that Senator be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

When the name of Mr. Richards was called, that Senator moved that he be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence," reported in favor of the passage of the same.

Mr. Smith moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act making appropriations for the support of government for the fiscal year commencing on the first day of October, in the year 1861,' passed April 13, 1861."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Hutchinson, from the committee on canals, to which was referred the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages,' passed April 17, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorise the construction and maintenance of a bridge across the Erie canal in the town of Frankfort, Herkimer county,' passed April 14, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Blind Mechanics' Association, to be located in the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Union Home and school for the education and maintenance of the children of volunteers," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the appraisal and payment of canal damages to Richard Claxton," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Conley M. Morgan and Carter H. Morgan," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Samuel Morgan," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Levi Bennett," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of James O'Brien," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Otis Smith," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of the estate of David S. Colvin, deceased," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of John Lloyd," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Anne Sophia Hobby," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Walter O. Talcott," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Allen T. Goldsmith for canal damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of John C. Adams for canal damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Samuel Burns for canal damages," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Pruyn from the committee on literature, to which was referred the Assembly bill entitled "An act to enable the schools of the Children's Aid Society to participate in the distribution of the common school fund," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to provide for the licensing of ballast lighters in the port of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to

which was referred the Assembly bill entitled "An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to prevent animals from running at large in the public highways," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the trustees of Amsterdam village to transfer a portion of a highway at or near that place to the control of the town commissioners of the town of Amsterdam, in the county of Montgomery," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair,' passed March 24, 1857," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Atlantic Fire Insurance company of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an act authorizing the formation of town Insurance companies," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to documentary evidence," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Dunkirk to pay certain military expenses and to issue bonds for the same," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands of which John Turnbull died seized to Margaret Turnbull," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Eliza Harrison, an alien," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act granting and releasing all the right, title and interest of the people of the State of New York in and to a mesuage lot of land in the Nineteenth ward of the city of New York to Augusta Theresa Arnold and Mary Ulrich," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act making it the duty of county officers and justices of the peace of the several counties of this State to report annually to the boards of supervisors of their respective counties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Bucktooth, in the county of Cattaraugus, to Salamanca," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Newark, in the county of Tioga, to Newark Valley," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relative to the annual meeting of the supervisors of Rensselaer county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Abbott, from the committee on poor laws, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Pruyn moved to take from the table the report of the committee on claims adverse to the Assembly bill entitled "An act for the relief of Peter Smith."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Pruyn moved that the report be disagreed to, and said bill referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson, from the committee of conference, to which were referred the matters in difference between the two Houses on the bill entitled "An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," reported that they had met the committee from the Assembly, and had agreed to recommend the adoption of the following bill:

"An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section first, title seventeen, chapter twenty, part first of the Revised Statutes is hereby amended so as to read as follows:

In all the counties of the State except the city and county of New York, there shall be annually levied and collected the following tax upon dogs: Upon every bitch owned or harbored by any one or more persons, or by any family, three dollars; upon every additional bitch owned or harbored by the same person or persons or family, five dollars; upon every dog other than a bitch, owned or harbored by one or more persons or by any family, fifty cents, and upon every additional dog, other than a bitch, owned or harbored by the same person or persons or families, two dollars.

§ 2. Section four of said title, chapter and part, is hereby amended so as to read as follows:

The assessors of every town or city or ward of a city, except the city of New York, shall annex to the assessment roll of real and personal estate therein, made by them annually, the name of each and every person or persons liable to the tax imposed hereby, together with the number of bitches and dogs for which such person or persons is or are assessed, and return the same to the supervisor of their respective towns, cities, or wards of cities, to be laid by said supervisor before the board of supervisors, to be by them collected in the same manner as other state and county and town taxes are collected. And if any person duly assessed shall refuse or neglect to pay the tax so assessed, within five days of the demand thereof, it shall be lawful for any person, and it shall be the duty of the collector to kill the dog so taxed.

§ 3. Section five of said title, chapter and part, is hereby amended by striking out the words "sixty days from the time of such delivery," and inserting the words, "the time now required by law for the collection of taxes laid by said supervisors."

§ 4. Section seven of said title, chapter and part, is hereby amended so as to read as follows:

Each collector shall be allowed to retain a commission of ten dollars on every hundred dollars collected, and at that rate upon all sums collected by him pursuant to the direction of the supervisors; and said collector shall also, on filing his affidavit of the fact with the county treasurer, be entitled to retain as a further compensation from the moneys collected by him, the sum of one dollar for every dog or bitch killed by him under the provisions of the second section of this act.

§ 5. Section ten of the said chapter, title and part, is hereby amended by inserting after the words "fence viewers of the town" therein, the further words, "or assessors of the city or of the ward of the city."

§ 6. Section eleven of the said title, chapter and part, is hereby amended by striking out the words "due notice" and inserting in the place thereof

the words "notice in writing of the time and place of such view, shall have been served, at least twenty-four hours before, on the said owner or possessor, either personally or by leaving at his dwelling house with a person who usually dwells therein and who shall have arrived at the age of sixteen years," and by striking out the words "to the fence viewers," in the last line thereof.

§ 7. Section twelve of the said title, chapter and part, is hereby amended by striking out the words "of the fence viewers," and inserting the words "mentioned in the tenth section," and section thirteen thereof is hereby amended by striking out the words "constituted by the eighth section of this title," and inserting the words "to be raised by said tax."

§ 8. The several collectors to whom any warrant for the collection of the tax herein mentioned shall be delivered, shall have all the powers, for the collection thereof, which such collectors now have, and they and their sureties shall be subject to all the liabilities therefor which such collectors and their sureties are now subject to.

§ 9. In any action brought for the killing of any dog, it shall be incumbent on the plaintiff in said action to prove that the tax imposed upon such dog by the provisions of this act, has been paid.

§ 10. Section two of said title, chapter and part, and all acts or parts of acts, whether general or local, inconsistent with the act hereby amended or repugnant thereto, are hereby repealed.

§ 11. This act shall take effect immediately, except section nine, which shall take effect on the first of November next.

A. HUTCHINSON,

*Chairman committee on part of the Senate.*

E. CORNELL,

*Chairman committee on part of the Assembly.*

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Montgomery	Robertson
Angel	Connolly	Hutchinson	Munroe	Sanford
Bailey	Cornell	Little	Pruyn	Truman
Bell	Folger	Low	Richards	Woodruff
Bradley	Freer			

22

FOR THE NEGATIVE.

Young

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Folger, from the select committee consisting of Messrs. Folger, Angel and Woodruff, to which was referred the bill entitled "An act dividing the State into Congressional districts," with power to report complete, reported that the committee have had the same under consideration, made some amendments thereto, and that a majority have directed the chairman to report the same complete to the Senate, and recommend its passage.

Mr. Bradley moved to amend by striking out in the 7th district the words "Eighteenth ward," and inserting in lieu thereof the words "Twentieth ward."

The President put the question whether the Senate would agree to said motion of Mr. Bradley, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered,* That said bill be engrossed for a third reading.

Mr. Murphy, from the select committee consisting of the Kings county

delegation, to which was referred the bill entitled "An act in relation to the permanent board of water commissioners in and for the city of Brooklyn," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Murphy and by unanimous consent, the rules were suspended and said bill was read a third time

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith
Angel	Cornell	Little	Ramsey	Truman
Bailey	Folger	Montgomery	Richards	Woodruff
Bell	Freer	Munroe	Robertson	Young
Clark	Hardin	Murphy	Sanford	

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860."

"An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861."

"An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes."

"An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 17, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

Also as correctly engrossed :

"An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies."

"An act to incorporate the Brooklyn Mutual Loan and Improvement company."

"An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts.'"

"An act to incorporate the Exchange company of New York."

The Assembly bill entitled "An act in relation to warrants issued by county treasurers against defaulting collectors," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Munroe	Sanford
Angel	Connolly	Hutchinson	Murphy	Smith
Bailey	Cornell	Little	Pruyn	Woodruff
Bell	Folger	Low	Ramsey	Young
Bradley	Freer	Montgomery	Richards	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to regulate the size of apple, pear and potato barrels," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Munroe	Tobey
Angel	Cornell	Little	Ramsey	Truman
Bailey	Folger	Low	Richards	Woodruff
Bradley	Ganson	Montgomery	Smith	Young
Clark	Hardin			

22

FOR THE NEGATIVE.

Bell	Freer	Murphy	Pruyn	
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4

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Abbott moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act for the relief of William Montteath."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Munroe	Richards	Smith
Angel	Cornell	Murphy	Robertson	Truman
Bradley	Freer	Pruyn	Sanford	Woodruff
Clark	Ganson	Ramsey		

18

FOR THE NEGATIVE.

Bailey	Folger	Little	Montgomery	Young
Bell	Hardin	Low	Tobey	

9

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Ramsey	Smith
Angel	Connolly	Munroe	Richards	Truman
Bailey	Cornell	Murphy	Robertson	Woodruff
Bradley	Freer	Pruyn	Sanford	

19

FOR THE NEGATIVE.

Bell	Hardin	Low	Tobey	Young
Folger	Little	Montgomery		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Ramsey	Tobey
Bailey	Cornell	Little	Richards	Truman
Bell	Folger	Munroe	Sanford	Woodruff
Bradley	Freer	Murphy	Smith	Young
Clark	Ganson			

22

## FOR THE NEGATIVE.

Hardin	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the construction and maintenance of a bridge over the Genesee Valley canal, at Atkinson street, in the city of Rochester, upon certain conditions," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Clark	Hardin	Murphy	Smith
Bailey	Connolly	Hutchinson	Pruyn	Woodruff
Bell	Cornell	Little	Ramsey	Young
Bradley	Ganson	Munroe	Sanford	

19

## FOR THE NEGATIVE.

Truman	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act supplementary to an act passed April 16th, 1860, and supplementary to an act passed April 3d, 1861, to provide for rebuilding a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose, upon the town of Adams, in said county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Murphy	Smith
Bailey	Cornell	Hutchinson	Pruyn	Tobey
Bell	Folger	Little	Ramsey	Truman
Bradley	Freer	Montgomery	Richards	Woodruff
Clark	Ganson	Munroe	Sanford	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Murphy	Tobey
Bailey	Cornell	Hutchinson	Ramsey	Truman



Bell	Folger	Low	Richards	Woodruff	
Bradley	Freer	Montgomery	Sanford	Young	
Clark	Ganson	Munroe	Smith		24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize and require the Comptroller of the State of New York to settle with the treasurers of Essex and Warren counties in relation to rejected non-resident taxes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Munroe	Smith	
Bailey	Cornell	Little	Murphy	Truman	
Bell	Freer	Low	Ramsey	Woodruff	
Bradley	Ganson	Montgomery	Richards	Young	
Clark	Hardin				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to repeal an act entitled 'An act to incorporate the Metropolitan Medical College of the city of New York,' passed March 28, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Little	Ramsey	Truman	
Bailey	Folger	Low	Richards	Woodruff	
Bradley	Ganson	Montgomery	Smith	Young	
Clark	Hardin	Munroe			18

## FOR THE NEGATIVE.

Bell	Murphy	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island College Hospital of the city of Brooklyn,' passed March 6, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Murphy	Smith	
Bailey	Folger	Little	Pruyn	Tobey	
Bell	Freer	Low	Ramsey	Truman	
Bradley	Ganson	Montgomery	Richards	Woodruff	
Clark	Hardin	Munroe	Sanford	Young	
Connolly					26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act entitled 'An act to organize the State Lunatic Asylum for insane convicts,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Montgomery	Sanford
Bailey	Connolly	Freer	Munroe	Smith
Bell	Cook	Hardin	Pruyn	Tobey
Bradley	Cornell	Little	Richards	Woodruff
				20

## FOR THE NEGATIVE.

Angel	Low	Ramsey	Truman	Young
Ganson	Murphy			7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Messrs. Pringle and Ogden, a committee from the Assembly, appeared and announced that the Hon. Thomas G. Alvord had been elected Speaker *pro tem.* of the Assembly, to act during the absence of the Speaker.

Mr. Bailey moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act for the appraisal of the damages of Nathaniel N. Sargeant, caused by a break in the Black river canal."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cook	Hutchinson	Ramsey	Smith
Bradley	Cornell	Murphy	Robertson	Woodruff
Clark	Freer	Pruyn	Sanford	Young
Connolly	Hardin			17

## FOR THE NEGATIVE.

Folger	Little	Montgomery	Tobey	Truman
Ganson	Low	Richards		8

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Sanford
Angel	Connolly	Hardin	Ramsey	Smith
Bailey	Cook	Hutchinson	Richards	Woodruff
Bradley	Cornell	Munroe	Robertson	Young
				20

## FOR THE NEGATIVE.

Bell	Ganson	Low	Tobey	Truman
Folger	Little	Montgomery		8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Pruyn	Smith
Angel	Connolly	Hutchinson	Ramsey	Truman
Bailey	Cornell	Little	Richards	Woodruff
Bell	Freer	Montgomery	Sanford	Young
Bradley	Ganson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Murphy	Sanford
Bradley	Cook	Hutchinson	Pruyn	Woodruff
Clark	Cornell	Little	Ramsey	

14

## FOR THE NEGATIVE.

Bailey	Ganson	Montgomery	Smith	Truman
Bell	Hardin	Richards	Tobey	Young
Folger	Low			

11

Mr. Murphy moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1862," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Sanford
Angel	Connolly	Ganson	Murphy	Smith
Bailey	Cook	Hardin	Pruyn	Tobey
Bell	Cornell	Hutchinson	Ramsey	Woodruff
Bradley	Folger	Little	Richards	Young

25

## FOR THE NEGATIVE.

Low				
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The third reading of the bill entitled "An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies," having been announced—

Mr. Low moved to recommit said bill to the committee on insurance companies, with instructions to amend by substituting therefor Assembly bill No. 13, in the words following:

"An act in relation to actions upon premium notes given to Mutual Insurance companies."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. No action upon a premium or stock note given to a mutual insurance company shall be commenced or maintained, unless commenced

within six years from the expiration of the term of insurance for which such note was given, but if the six years shall have expired before the passage of this act then within one year thereafter.

§ 2. In any action upon such premium note commenced more than thirty days after the expiration of the term of insurance for which such note was given, the plaintiff shall only recover the amount assessed upon such premium note, and the interest upon such amount.

§ 3. In any action brought by the receiver of an insolvent mutual insurance company upon a premium or stock note, or an assessment upon a premium note, the defendant shall be entitled to security for costs, and provisions of law applicable to security for costs when an action is brought for or in the name of trustees of a debtor, shall be applicable to actions brought by such receiver on such premium notes.

§ 4. This act shall take effect immediately, and the provisions of sections two and three shall be applicable to actions now pending; but not the provisions of section one. And where in actions upon such notes, now pending in the Supreme Court, the plaintiff shall recover less than fifty dollars, and the court shall be satisfied that the failure to recover fifty dollars, was from the operation of this act, the court shall have power to deny costs to the defendant, as against the plaintiff."

The President put the question whether the Senate would agree to said motion to recommit, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Bell	Little	Montgomery	Ramsey	Sanford	
Hardin	Low	Munroe	Richards	Smith	10

#### FOR THE NEGATIVE.

Abbott	Connolly	Folger	Murphy	Truman	
Bailey	Cook	Ganson	Pruyn	Woodruff	
Bradley	Cornell	Hutchinson	Tobey	Young	16
Clark					

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Sanford	
Angel	Cook	Hutchinson	Murphy	Smith	
Bailey	Cornell	Little	Pruyn	Tobey	
Bell	Folger	Low	Ramsey	Truman	
Bradley	Ganson	Montgomery	Richards	Young	26
Clark					

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn to the East river, and to the permanent Bulk-head line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Murphy	Truman	
Angel	Connolly	Ganson	Robertson	Woodruff	
Bailey	Cook	Low	Smith	Young	
Bradley	Cornell				17

## FOR THE NEGATIVE.

Bell	Little	Munroe	Richards	Tobey
Hardin	Montgomery	Rainsey	Sanford	

9

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the county of Queens, passed April 25, 1814,' and to enlarge the powers of the corporation of said village,' passed April 10, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Smith
Angel	Cook	Little	Pruyn	Tobey
Bailey	Cornell	Low	Ramsey	Truman
Bradley	Folger	Montgomery	Richards	Woodruff
Clark	Hardin	Munroe	Robertson	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the village of North Watertown, Jefferson county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Munroe	Sanford
Angel	Connolly	Hutchinson	Murphy	Tobey
Bailey	Cook	Little	Pruyn	Truman
Bell	Cornell	Low	Ramsey	Young
Bradley	Folger	Montgomery	Richards	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to facilitate the ingress of salmon into Cayuga Lake, and for the protection of the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Smith
Angel	Cook	Hardin	Murphy	Tobey
Bailey	Cornell	Hutchinson	Ramsey	Truman
Bell	Folger	Little	Richards	Woodruff
Clark	Freer	Montgomery	Robertson	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the board of town au-

ditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Richards	Tobey
Angel	Cook	Montgomery	Robertson	Truman
Bailey	Hardin	Munroe	Sanford	Woodruff
Bell	Hutchinson	Murphy	Smith	Young
Clark				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act to provide for the re-building the locks on the Onneida Lake canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Ramsey	Smith
Angel	Cook	Munroe	Richards	Truman
Bailey	Cornell	Pruyn	Sanford	Woodruff
Bell	Hardin			

17

## FOR THE NEGATIVE.

Folger	Little	Montgomery	Robertson	Young
Ganson	Low	Murphy	Tobey	

8

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The President then announced that when the Senate proceeded to the consideration of the special order yesterday, the question pending was on the motion to refer the Assembly bill entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof."

The President put the question whether the Senate would agree to the motion of Mr. Ramsey to amend by striking out the words "commerce and navigation," and inserting in lieu thereof the words "cities and villages," and it was decided in the negative.

The President then put the question whether the Senate would agree to the motion of Mr. Ganson to amend by adding "the Senators from Kings county, and two from the city of New York," and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Bradley	Freer	Pruyn	Truman
Angel	Connolly	Ganson	Robertson	Woodruff
Bailey	Cornell	Murphy		

13

## FOR THE NEGATIVE.

Bell	Hardin	Low	Ramsey	Smith
Cook	Hutchinson	Montgomery	Richards	Tobey
Folger	Little	Munroe	Sanford	Young

15

Mr. Ganson moved to amend the motion of Mr. Bradley by adding "the Senators from Kings county."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Tobey moved to amend by striking out "commerce and navigation," and inserting "cities and villages."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bailey	Cook	Little	Ramsey	Sanford	
Bell	Hutchinson	Montgomery	Richards	Tobey	10

FOR THE NEGATIVE.

Abbott	Connolly	Ganson	Pruyn	Truman	
Angel	Cornell	Munroe	Robertson	Young	14
Bradley	Folger	Murphy	Smith		

Mr. Bradley moved to refer said bill to the committee on internal affairs of towns and counties.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Angel	Bradley	Freer	Pruyn	Sanford	
Bailey	Connolly	Ganson	Ramsey	Truman	
Bell	Cornell	Murphy	Robertson	Woodruff	15

FOR THE NEGATIVE.

Cook	Hutchinson	Montgomery	Richards	Tobey	
Folger	Little	Munroe	Smith	Young	11
Hardin	Low				

When the name of Mr. Abbot was called, that Senator moved that he be excused from voting.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Tobey offered the following resolution :

*Resolved*, That 2,000 extra copies of the report of the committee on canals on the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," be printed for the use of the Senate.

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and said resolution was adopted.

On motion of Mr. Truman—

*Resolved*, That the Secretary of State be requested to pay the expenses of sending the packages of Senators to their respective places of residence, out of the money for transporting documents, &c. to members of the Legislature.

Mr. Munroe called for the consideration of the following resolution from the Assembly :

*Resolved*, (if the Senate concur,) That the Canal Board be requested to regulate and maintain the height of the State dam at Phoenix, so as to cause the depth of water in the canal to be seven feet, and no more, and that no repairs shall be made, or flush boards used on said dam, which shall raise the water in said canal above the height of seven feet.

Mr. Munroe moved that said resolution be referred to the committee on canals.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bradley moved that hereafter the Senate go into executive session whenever nominations are transmitted from the Governor.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

On motion of Mr. Hutchinson—

*Resolved*, That on Monday next, and thereafter, the Senate meet at half-past 10 o'clock A. M.

Mr. Low, from the committee on public printing, to which was referred the resolution to print extra copies of the draft of the Civil Code, reported in favor of the adoption of the following resolution :

*Resolved*, That there be printed and bound six copies for each member, officer and reporter of the Legislature, of the "Draft of a Civil Code for the State of New York," and 500 for the Commissioners; the work to be done under the direction of said Commissioners.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

Mr. Ganson moved to take from the table the following concurrent resolutions to amend the Constitution for relief of Court of Appeals :

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the Constitution of this State, to be added to the sixth article as section 26, to wit :

"The Legislature shall have power to organize a commission of not more than five persons, to be appointed by the Governor with the assent of the Senate, whose duty it shall be to hear and determine all such causes as now are or hereafter may be depending in the Court of Appeals, and as may be referred to them by the said court. The Legislature shall make suitable provision for paying to such commissioners a reasonable compensation for their services, and for defraying the expenses of the said commission; and may at any time modify or repeal such organization."

*Resolved*, (if the Assembly concur,) That the foregoing amendment, be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

On motion of Mr. Murphy, the Senate took a recess until 7 o'clock.

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### SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Montgomery on behalf of Mr. Bell asked and obtained leave to introduce a bill entitled "An act to repeal chapter 312 of the Laws of 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Truman, from the committee on canals, to which was referred the Assembly bill entitled "An act for the relief of Leora A. Poole," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment :

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860."

*Ordered*, That the Clerk deliver said bill to the Governor.



The Assembly returned the following entitled bills :

"An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861."

"An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn, and the town of Newtown, in the county of Queens,' passed April 16, 1860."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act for the relief of Adden Bardin, George Hahn, Nathaniel P. Osborn and John Fabrig for canal damages."

"An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had non-concurred in the passage of the same :

"An act to amend an act entitled 'An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations,' passed April 5, 1849."

"An act to amend an act entitled 'An act to incorporate the Erie County Savings bank,' passed April 10, 1854."

The Assembly sent for concurrence the following entitled bill :

"An act to amend an act entitled 'An act in relation to jurors and to the appointment and the duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act to provide for the completion of the Chenango canal from its present termination at or near the village of Binghamton to the North Branch canal, at the State line."

After some time spent therein, the President resumed the chair, and Mr. Robertson, from said committee, reported in favor of the passage of said bill, without amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Folger, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to authorize the supervisors of Orleans county to raise money for the support of volunteers," reported in favor of the passage of the same, with amendments.

On motion of Mr. Hutchinson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Sanford
Angel	Connolly	Hardin	Murphy	Smith
Bailey	Cook	Hutchinson	Pruyn	Tobey

Bell	Cornell	Low	Ramsey	Young	
Bradley	Folger	Montgomery	Robertson		24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act declaring the office of county judge vacant in certain cases," with power to report complete, reported that the committee have had the same under consideration, made some amendments thereto, and amended the title so as to read as follows:—"An act to declare the cases in which the office of county judge of Lewis county shall be vacant," and as amended, recommend its passage.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Bradley	Cornell	Low	Ramsey	
Angel	Clark	Folger	Montgomery	Sanford	
Bailey	Connolly	Freer	Munroe	Young	
Bell	Cook	Hutchinson			18

**FOR THE NEGATIVE.**

Ganson	Hardin		2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the petition of the chamber of commerce of the city of New York, for an alteration of the usury laws, reported adversely thereto, which report was agreed to, and the prayer of the petitioner denied.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of Albany to open a street along the south bounds of said city between Delaware turnpike road and the river, to be located wholly or partly on either side of said city line, and to assess and collect the damages and expenses for laying out, opening, grading, draining and repaving said street," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act,' passed May 25, 1836," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act relating to awnings in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to ex-

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to ex-

empt all that part of the city of Albany lying west of Allen street from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Hammondsport," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to prescribe the fire limits in the village of Newburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hutchinson moved that when the Senate adjourn it adjourn until to-morrow morning at 10 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ramsey, the Senate adjourned.

## SATURDAY, APRIL 12, 1862.

TEN O'CLOCK, A. M.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Everett.

The journal of yesterday was read and approved.

Mr. Bell presented a petition of D. S. Wager and others of Philadelphia, in favor of the passage of the Metropolitan Health bill, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Smith presented a petition of citizens of Brooklyn, on same subject, which was read and referred to the committee on internal affairs of towns and counties.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to incorporate the Firemen's Savings Institution," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills :

"An act to authorize and empower the president, managers and company of the Delaware and Hudson canal company to erect telegraph lines along the line of said company's canal," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Freer and by unanimous consent, the rules were suspended and said bill was referred to the committee on the judiciary, to report complete.

"An act to provide for the regulation and inspection of buildings, the more effectual prevention of fires, and the better preservation of life and property in the city of New York," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cornell and by unanimous consent, the rules were suspended and said bill was referred to the committee on the judiciary, to report complete.

"An act in relation to local assessments of municipal corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the charter of the Guardian Life Insurance company of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act for the better improvement of highways in Rockland Lake and vicinity," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Cataract Fire Engine company No. 2, of the town of Castleton, county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act in relation to boards of health in Orange and Chautauqua counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend the charter of the New York Christian Benevolent Missionary Society, formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed March 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to enable the Harmony Fire and Marine Insurance company to increase their capital and otherwise to amend their charter," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to amend an act entitled 'An act to incorporate a fire company in Union Village, Washington county,' passed March 22, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act in relation to the justices' courts and police courts in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Ephraim Owen and Henry Holman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to reduce the number of directors of the Gallatin Fire Insurance company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act authorizing Robert Tripp to convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize a loan to the town of Westfield," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise one hundred and eighty-eight dollars by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to prevent fraud in the opening and laying out of streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The Assembly bill entitled "An act to incorporate the fire department of the village of Corning," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Murphy	Sanford
Angel	Cook	Low	Pruyn	Smith
Bailey	Freer	Montgomery	Ramsey	Tobey
Bell	Hardin	Munroe	Robertson	Young
Clark	Hutchinson			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Low	Pruyn	Sanford
Bailey	Cook	Munroe	Ramsey	Smith
Bell	Cornell	Murphy	Robertson	Young
Clark	Little			

17

#### FOR THE NEGATIVE.

Folger	Ganson	Hardin	Montgomery	Tobey
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5

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expenses of keeping the same in repair,' passed March 24, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Munroe	Robertson
Bailey	Cook	Little	Murphy	Smith

Bell	Cornell	Low	Pruyn	Young	
Clark	Folger	Montgomery	Ramsey		19

## FOR THE NEGATIVE.

Ganson	Hardin				2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly bill entitled "An act to release the interest of the State in certain lands of which John Turnbull died seized to Margaret Turnbull," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Murphy	Sanford	
Bailey	Cornell	Little	Pruyn	Smith	
Bell	Folger	Low	Ramsey	Tobey	
Clark	Ganson	Montgomery	Robertson	Young	
Connolly	Hardin	Munroe			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Eliza Harrison, an alien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Murphy	Sanford	
Bailey	Cornell	Little	Pruyn	Smith	
Bell	Folger	Low	Ramsey	Tobey	
Clark	Ganson	Montgomery	Robertson	Young	
Connolly	Hardin	Munroe			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Munroe	Robertson	
Bailey	Cornell	Hutchinson	Murphy	Sanford	
Bell	Folger	Low	Pruyn	Tobey	
Clark	Ganson	Montgomery	Ramsey	Young	
Connolly					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to declare the cases in which the office of county judge of Lewis county shall be vacant."

"An act dividing the State into Congressional districts."

"An act in relation to the permanent board of water commissioners in and for the city of Brooklyn."

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1862."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly bill entitled "An act granting and releasing all the right, title and interest of the people of the State of New York in and to a messuage lot of land in the Nineteenth ward of the city of New York to Augusta Theresa Arnold and Mary Ulrich," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Murphy	Sanford
Bailey	Cook	Little	Pruyn	Smith
Bell	Cornell	Low	Ramsey	Tobey
Bradley	Folger	Montgomery	Robertson	Young
Clark	Hardin	Munroe		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Montgomery	Sanford
Bailey	Cook	Hutchinson	Munroe	Smith
Bell	Cornell	Little	Murphy	Tobey
Bradley	Folger	Low	Pruyn	Young
Clark	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE

Abbott	Clark	Hardin	Montgomery	Sanford
Angel	Connolly	Hutchinson	Munroe	Smith
Bailey	Cornell	Little	Murphy	Tobey
Bell	Folger	Low	Pruyn	Young
Bradley	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Pruyn moved that the bill entitled "An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to additions of cash capital to existing funds of Mutual Marine Insurance companies," be recommitted to the committee on insurance companies, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Clark offered the following resolution :

*Resolved*, That the Clerk be directed to purchase for each member, officer and reporter of the Senate, one copy of the Civil List.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.					
Clark	Connolly	Cook	Cornell	Robertson	5
FOR THE NEGATIVE.					
Abbott	Folger	Little	Murphy	Smith	
Angel	Ganson	Low	Sanford	Young	
Bailey	Hatchinson	Montgomery			13

By unanimous consent, Mr. Robertson gave notice that he would at an early day move to suspend the 48th rule of the Senate.

Mr. Cook moved that the bill entitled "An act authorizing the selection of a site for another State prison," be referred to the first committee of the whole, on Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Sanford moved that the Assembly bill entitled "An act to enable the schools of the Children's Aid Society to participate in the distribution of the common school fund," be referred to the first committee of the whole, not full, on Tuesday next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Cornell moved that the committee on charitable and religious societies have power to report complete the Assembly bill entitled "An act to incorporate the Blind Mechanics' Association to be located in the city of New York," and that the same be recommitted to said committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ganson called for the consideration of the following concurrent resolutions to amend the Constitution for relief of Court of Appeals :

*Resolved*, (if the Assembly concur.) That the following amendment be proposed to the Constitution of this State, to be added to the sixth article as section twenty-six, to wit :

"The Legislature shall have power to organize a commission of not more than five persons, to be appointed by the Governor, with the assent of the Senate, whose duty it shall be to hear and determine all such causes as now are or hereafter may be pending in the Court of Appeals, or as may be referred to them by the said court. The Legislature shall make suitable provision for paying such commissioners a reasonable compensation for their



services, and for defraying the expenses of the said commissioners, and may at any time modify or repeal such organization."

*Resolved*, (if the Assembly concur,) That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the negative, a majority of all the Senators elected not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Bell	Cornell	Pruyn	Tobey	
Angel	Connolly	Ganson	Robertson	Young	
Bailey	Cook	Low			13

FOR THE NEGATIVE.

Bradley	Hardin	Little	Munroe	Sanford	
Clark	Hutchinson	Montgomery	Murphy	Smith	
Folger					11

Mr. Clark moved that the Assembly bill entitled "An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claims," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Pruyn, from the committee on literature, to which was referred the bill entitled "An act to amend the statutes concerning teachers' institutes and otherwise in relation to public instruction," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs," with a message that they had agreed to the report of the conference committee thereon.

*Ordered*, That said bill be re-engrossed and returned to the Assembly.

Mr. Hardin, from the select committee of nine, reported the following Assembly bills as proper to be taken from the general orders and recommended to the appropriate standing committees, to report complete, to wit:

"An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act,' passed May 25, 1836."

"An act to change the name of the town of Bucktooth, in the county of Cattaraugus, to Salamanca."

"An act to prescribe the fire limits in the village of Newburgh."

"An act to authorize the trustees of the village of Dunkirk to pay certain military expenses and to issue bonds for the same."

"An act to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommended to the standing committees reporting them, with power to report complete.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860."

"An act in relation to the election of county superintendents of the poor in the county of Columbia."

"An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860."

"An act to prevent abuses in town and county charges in criminal cases in the county of Herkimer."

"An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district."

"An act for the relief of the families of the New York State volunteers, in the town of Morristown."

"An act to regulate the taking of tolls upon the Geneva and Rushville plankroad."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act for the relief of John N. Elmore."

"An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes."

"An act entitled 'An act to provide for the enrollment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence.'"

After some time spent therein, the President resumed the chair, and Mr. Connolly, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Connolly, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Low moved that said bill be made the special order for Tuesday evening next at 7 o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, engrossed bill, strike out all after the word "Geneva" in line 9, down to and including the words "bounds" in line 12.

Same section, line 14, strike out the words "and in relation to the sale of fresh meats as aforesaid."

Mr. Folger moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Freer	Low	Ramsey
Bailey	Cook	Ganson	Montgomery	Robertson
Bell	Cornell	Hardin	Murphy	Smith
Bradley	Folger	Little	Pruyn	Young
Clark				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to regulate places of public amusement in the cities and incorporated villages of this State,"

with a message that they had concurred in the passage of the same, with the following amendments :

Section 2, engrossed bill, after word "person" strike out all to the word "nor" and insert therein the words "in the auditorium or lobbies of such place of exhibition or performance mentioned in the first section of this act or in any apartment connected therewith by any door, window or other aperture;" after word "employment" insert the words "or attendance."

§ 4. After word "employment" insert the words "or attendance."

§ 5. 6th line, strike out the words "any of;" 7th line, change "cities" to "city."

§ 6. 11th line, after the word "village" insert the words "in the town in which such incorporated village is located."

Mr. Robertson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Ganson	Montgomery	Smith
Angel	Clark	Hardin	Murphy	Tobey
Bailey	Cook	Little	Pruyn	Young
Bell	Folger	Low	Robertson	

19

#### FOR THE NEGATIVE.

Connolly	Cornell	Freer	Woodruff
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out section 8, engrossed bill.

Change the number of 9, to correspond.

Mr. Murphy moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Low	Robertson
Angel	Connolly	Ganson	Montgomery	Smith
Bailey	Cook	Hardin	Murphy	Tobey
Bell	Cornell	Little	Pruyn	Young
Bradley				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act for the relief of Peter Smith."

"An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State."

"An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claims."

After some time spent therein, the President resumed the chair, and Mr. Low, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Pruyn moved that said bill be referred to the first committee of the whole, not full, after to-day.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Low, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Low, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bailey moved that said bill be referred to the first committee of the whole, not full, after to-day.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger moved that the Assembly bill entitled "An act to prevent animals from running at large in the public highways," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Pruyn presented the fifteenth annual report of the Regents of the University on the condition of the State Cabinet of Natural History, which was laid on the table and ordered printed.

(See Doc. No. 116.)

On motion of Mr. Pruyn—

*Resolved*, That 1,500 extra copies of the report on the State Cabinet of Natural History, be printed for the use of the Regents.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to facilitate the taking of oaths and affirmations and the acknowledgment or proof of written instruments by persons in the military service of this State or the United States as volunteers."

"An act for the relief of Richard Calrow, junior."

"An act for the relief of John Copeland for damages caused by the overflow of the Erie canal."

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Freer, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act for the relief of Willis B. Sayre."

"An act to amend an act entitled 'An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860."

"An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof."

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

"An act to incorporate the New York State Convention of Universalists."

"An act to incorporate the Mutual Aid Society of the East Genesee Annual Conference."

with a message that they had concurred in the passage of the same, with the following amendments :

Section 2, engrossed bill, after word " person " strike out all to the word " nor " and insert therein the words " in the auditorium or lobbies of such place of exhibition or performance mentioned in the first section of this act or in any apartment connected therewith by any door, window or other aperture ; " after word " employment " insert the words " or attendance. "

§ 4. After word " employment " insert the words " or attendance. "

§ 5. 6th line, strike out the words " any of ; " 7th line, change " cities " to " city. "

§ 6. 11th line, after the word " village " insert the words " in the town in which such incorporated village is located. "

Mr. Robertson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Ganson	Montgomery	Smith
Angel	Clark	Hardin	Murphy	Tobey
Bailey	Cook	Little	Pruyn	Young
Bell	Folger	Low	Robertson	

19

#### FOR THE NEGATIVE.

Connolly	Cornell	Freer	Woodruff
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled " An act to amend an act entitled ' An act for the better regulation of firemen in the city of Brooklyn, ' passed February 17, 1857, " with a message that they had concurred in the passage of the same, with the following amendments :

Strike out section 8, engrossed bill.

Change the number of 9, to correspond.

Mr. Murphy moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Low	Robertson
Angel	Connolly	Ganson	Montgomery	Smith
Bailey	Cook	Hardin	Murphy	Tobey
Bell	Cornell	Little	Pruyn	Young
Bradley				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

" An act for the relief of Peter Smith. "

" An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State. "

" An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claims. "

After some time spent therein, the President resumed the chair, and Mr. Low, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Pruyn moved that said bill be referred to the first committee of the whole, not full, after to-day.

The President put the question whether the Senate would agree to said

motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Low, from the same committee, reported in favor of the passage of the second named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Low, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bailey moved that said bill be referred to the first committee of the whole, not full, after to-day.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger moved that the Assembly bill entitled "An act to prevent animals from running at large in the public highways," be referred to the first committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Pruyn presented the fifteenth annual report of the Regents of the University on the condition of the State Cabinet of Natural History, which was laid on the table and ordered printed.

(See Doc. No. 116.)

On motion of Mr. Pruyn—

*Resolved*, That 1,500 extra copies of the report on the State Cabinet of Natural History, be printed for the use of the Regents.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows:

"An act to facilitate the taking of oaths and affirmations and the acknowledgment or proof of written instruments by persons in the military service of this State or the United States as volunteers."

"An act for the relief of Richard Calrow, junior."

"An act for the relief of John Copeland for damages caused by the overflow of the Erie canal."

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Freer, from the same committee, reported in favor of the passage of the last named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act for the relief of Willis B. Sayre."

"An act to amend an act entitled 'An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860."

"An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers for canal damages, and to provide for the payment thereof."

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

"An act to incorporate the New York State Convention of Universalists."

"An act to incorporate the Mutual Aid Society of the East Genesee Annual Conference."

"An act in relation to warrants issued against defaulting county treasurers."

"An act to amend an act entitled 'An act to promote the public health in the town of New Utrecht,' passed April 13, 1859."

"An act to incorporate the Board of Foreign Missions of the Presbyterian church of the United States of America."

"An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county."

"An act to authorize the construction and maintenance of a bridge over the Genesee Valley canal, at Atkinson street, in the city of Rochester, upon certain conditions."

"An act to regulate the size of apple, pear and potato barrels."

"An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857."

"An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings."

"An act to amend an act entitled 'An act for the incorporation of the village of Oxford and for other purposes, passed April 6, 1808,' and the acts amending the same."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to authorize the town of Manheim to raise moneys to reimburse expenditures for volunteers in the service of the United States."

"An act to authorize the West Winfield bank to reduce its capital."

"An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof."

"An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 3, 1861."

"An act to provide for the payment of certain moneys expended in equipping the 20th regiment of New York State militia."

"An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer."

"An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

"An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work house in the county of Monroe."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Angel moved that the consideration of claim bills on the general orders, be made the special order for Monday evening next.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ramsey moved that the Assembly bill entitled "An act to provide for the collection of agricultural statistics in the several counties of this State," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Ramsey, the Senate adjourned.

## MONDAY, APRIL 14, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Adelberg.

The journal of Saturday was read and approved.

Mr. Folger, from the select committee of nine, reported the following entitled Assembly bills, as proper to be taken from the general orders and recommitment to the appropriate standing committees, to report complete, to wit :

"An act to authorize the trustees of Amsterdam village to transfer a portion of a highway at or near that place to the control of the town commissioners of the town of Amsterdam, in the county of Montgomery."

"An act to provide for the licensing of ballast lighters in the port of New York."

"An act to amend the charter of the Atlantic Fire Insurance company of Brooklyn."

"An act to extend the time for the completion of the Erie and New York city railroad."

"An act to change the name of the town of Newark, in the county of Tioga, to Newark Valley."

"An act to amend the charter of the village of Hammondsport."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitment to the standing committees reporting them, with power to report complete.

Mr. Cook presented a remonstrance and resolutions of citizens of New York and Richmond counties, against act to form a separate road district in the towns of Castleton, Middletown and Southold ; also against granting in fee to Cornelius Vanderbilt a water front near piers No. 1, North and East rivers ; also against providing landing places in front of the Battery in the city of New York ; also against the act to convey the Quarantine grounds in the county of Richmond for public uses ; also against the act in relation to superintendents of the poor and temporary relief in Richmond county, and the fees of justices of the peace and constables in criminal cases in said county ; also in favor of the passage of the ferry bill of 1860 ; which were read and referred to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Cataract Fire Engine company No. 2, of the town of Castleton, county of Richmond," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to provide for the licensing of ballast lighters in the port of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to authorize the trustees of Amsterdam village to transfer a portion of a highway at or near that place to the control of the town commissioners of the town of Amsterdam in the county



of Montgomery," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Erie and New York city railroad," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the better improvement of highways at Rockland Lake and vicinity," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to boards of health in Orange and Chautauqua counties," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Newark, in the county of Tioga, to Newark Valley," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to change the name of the town of Bucktooth in the county of Cattaraugus to Salamanca," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Nathan B. Wheeler," reported that the committee have made sundry amendments thereto, and amended the title as follows:—"An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the justices' courts and police courts in the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the trustees of the village of Dunkirk to pay certain military expenses and to issue bonds for the same," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the collection of demands against ships and vessels," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Assembly sent for concurrence the following entitled bills:

"An act authorizing the transcribing of certain registry lists in the town of Whitestown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to repeal certain sections of acts heretofore passed, relating to allotments of lands among the Seneca Indians, on the Allegany and Cattaraugus reservations in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

"An act to provide for the election of a police justice in the town of Milton, Saratoga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to repeal the charter of the Westfield and Chautauqua Lake plankroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York for the service of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

"An act to provide for the formation of societies for the prevention of horse stealing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to establish a tribunal of conciliation in the sixth judicial district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to create the office of Commissioner of Lunacy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the reimbursement of certain persons belonging to the militia of this State for clothing and equipments lost or destroyed in the service of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia and public defence.

"An act enabling Mount Prospect Industrial school in the city of Brooklyn to share in the distribution of the school money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend an act to incorporate the Harlem Stage and Ferry company of the city of New York, passed April 17, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed November 27, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835,' and the several subsequent acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to repeal an act passed April 14, 1859, in relation to granting certain rights and privileges to the Otsego Lake turnpike company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows:

"An act to provide for taxing dogs, and for the collection of such tax; and to create a fund to pay for injuries upon sheep occasioned by dogs."

The Assembly bill entitled "An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Murphy	Sanford
Angel	Cook	Ganson	Pruyn	Truman
Bailey	Cornell	Montgomery	Robertson	Yeung
Clark	Folger			

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to authorize the supervisors of Orleans county to raise money for the support of volunteers."

"An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855."

The Assembly returned the following entitled bill:

"An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Cook moved that the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Cook offered the following resolutions:

*Whereas*, The Commissioners of the Canal Fund have issued their circular, calling upon the several banks of this State, holding the canal deposits and other funds of the State, to contribute in "coin" a sum sufficient to pay the interest, and so much of the principal of the State debt which becomes due the present year; the interest and principal as stated in their said circular amounts to the sum of \$1,250,000; which circular is in the following words:

CANAL DEPARTMENT, ALBANY, April 4, 1862.

SIR: The Commissioners of the Canal Fund have to pay \$900,000 of the principal of the canal debt due in June next, and also the quarterly inter-

est amounting to about \$350,000, due in January, April, July and October. The credit and honor of the State require that these payments should be made in coin. The funds for the purpose were all provided and in the deposit banks before the suspension of specie payments. That suspension did not result from any run upon the banks, but was simply a prudential measure, in view of the condition of the country, and it took place when there was more specie in the banks and in the country than was ever before known. Under these circumstances we consider it our duty to call upon the banks holding the canal moneys to agree to pay in coin so much thereof as may be necessary for the purposes above mentioned. The Manhattan Company has already paid in coin what was required for the January and April interest, and offers to advance its full proportion for the further payments, if the other banks will do the same.

The proportion required for principal in June, from your bank, will not exceed thirty per cent of the amount now held by it; for subsequent quarterly interest the amount will be small. Each bank holding State stocks has received and will continue to receive the benefit of the payments in coin. Will you inform us whether we may rely upon receiving the due proportion from your bank, in case the others agree to the arrangement? An early answer is desired, as we shall be obliged, if the banks decline the proposition, to refer the matter to the Legislature, and ask for an appropriation to enable us to buy the coin.

Please direct your reply to Hon. N. S. Benton, Auditor.

Respectfully yours,

ROBERT CAMPBELL,  
HORATIO BALLARD,  
LUCIUS ROBINSON,  
WM. B. LEWIS,  
D. S. DICKINSON,

*Commissioners of the Canal Fund.*

*Therefore be it resolved,* That the Commissioners of the Canal Fund, be and they are hereby requested to report to the Senate at their earliest convenience—

1. If the holders of the State stock maturing the present year, have refused to receive payment of principal and interest as formerly, at the Manhattan Company in the city of New York; and what facts now exist in the money and commercial operations of the country, so different from those of the last ten or fifteen years, which make it necessary that the liabilities of the State should now be paid in "coin;" and the necessity of drawing so large an amount of specie from the country banks; to limit and cripple their facilities upon the opening of spring business; and also why the Government of this State should seek to establish another and different standard of currency from that now established by the National Government?

2. At what time during the past year, did the banks of this State generally suspend specie payments; the amount of State funds held by each at the time of the suspension; the amount that each now holds; the rate of interest paid by each, and a copy of the contract under which such deposit of the State funds was made?

3. In what funds and in what manner, during the last ten or fifteen years, have the deposit banks paid or transmitted to the State treasury, the funds of the State, before, during, and since the suspension of specie payments in 1857 and the present suspension?

4. If the banks should decline to pay "coin" for these deposits, then state the public necessity of an appropriation by the Legislature to pay the premium and expense of purchasing "coin" to pay said debt?

*Resolved*, That a copy of this resolution be transmitted to the Commissioners of the Canal Fund by the Clerk of the Senate.

The President put the question whether the Senate would agree to the adoption of said resolutions, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act for the relief of Peter Smith."

"An act establishing a fund for the benefit of the Stockbridge Indians, and for the final adjustment of their claims."

"An act to provide for the collection of agricultural statistics in the several counties of this State."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the same committee, reported that they have made sundry amendry amendments to the second named bill, and amended the title so as to read as follows :—"An act making an appropriation for the benefit of the Stockbridge Indians," and as amended, recommend its passage, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the bill entitled "An act to provide for the examination of the accounts of the Treasurer and other State officers," with a message that they had concurred in the amendments of the Senate thereto, with the following further amendments :

Add to section 6, the following :

"They shall also ascertain whether the moneys have been duly paid into the treasury, as directed by law, from the several banking corporations for the maintenance of the Banking Department and the compensation of the Superintendent and other persons connected with that department; from the several insurance companies for the maintenance of the Insurance Department and the compensation of the Superintendent and other persons employed in that department; from the several gas light companies for the compensation of the Inspector of Gas Meters, and other expenditures made a charge upon such companies; and from the several railroad companies for expenses charged upon them for reports and services rendered in the department of the State Engineer and Surveyor."

Add to section 7, the following :

"It shall also state the amounts assessed to the several banking corporations for the maintenance of the Banking Department; to the several insurance companies for the maintenance of the Insurance Department; and to the several gas light companies for the compensation of the Inspectors of Gas Meters and other expenses made a charge on said companies; and shall specify the amount paid in each year by every such company or corporation, and the purposes to which the moneys so paid were applied, and from the several railroad companies for expenses charged on them."

Mr. Truman moved that the Senate concur in the said further amendments of the Assembly.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel  
Bailey

Connolly  
Cook

Hardin  
Little

Ramey  
Richards

Smith  
Tobey

Bell  
Bradley  
Clark

Cornell  
Folger  
Freer

Montgomery  
Pruyn

Robertson  
Sanford

Truman  
Young

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their further amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853," with a message that they had concurred in the passage of the same, with the following amendment:

Page 6, of the engrossed bill, line 42, after the word "company," insert the words "organized under or."

Mr. Little moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Bell  
Bradley  
Connolly

Cook  
Cornell  
Freer  
Ganson

Hardin  
Little  
Montgomery  
Pruyn

Ramsey  
Richards  
Robertson  
Sanford

Smith  
Tobey  
Truman  
Young

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the bill entitled "An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces," with a message that they had concurred in the passage of the same with the following amendments:

Insert the following as section two:

"Sec. 2. Section 81, of article second, of title one, of chapter eight, of the second part of the Revised Statutes, is hereby amended so as to read as follows, to wit:

"No marriage shall be annulled on the ground of force or duress, if it shall appear that at any time before the commencement of the suit, there was a voluntary cohabitation of the parties as husband and wife, nor on the ground of fraud, where there was such voluntary cohabitation with full knowledge of the facts constituting the fraud."

Change the number of section 2, engrossed bill, to section 3.

Mr. Ganson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey  
Bell  
Bradley

Connolly  
Cook  
Cornell  
Folger  
Freer

Ganson  
Hardin  
Little  
Montgomery

Pruyn  
Ramsey  
Richards  
Sanford

Smith  
Tobey  
Truman  
Young

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and to amend several acts amending the same," with a message that they had concurred in the passage of the same, with the following amendments:

Section 2, line 24, engrossed bill, strike out the word "twice," and insert in lieu thereof the words "seventy-five per cent more than."

Section 3, line 17, engrossed bill, strike out the words "one hundred," and insert in lieu thereof the word "fifty."

Same section, line 27, strike out the word "twenty," and insert in lieu thereof the word "ten."

Section 5, line 50, after the word "State," strike out all down to and including the word "company," in line 55.

Mr. Hardin moved that said amendments be referred to the committee on insurance companies.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to extend the provisions of chapter 83 of the Laws of 1861 to the counties of Columbia and Herkimer, and to amend the same," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause and insert the following:

Section 1. Section first of the act entitled 'An act in relation to the auditing of accounts of the boards of supervisors of Onondaga, Tioga, Oneida, Fulton, Monroe, Broome, Delaware, Cayuga, Orange, Jefferson, Richmond, Livingston, Chenango, Suffolk, Ulster, Dutchess, Steuben and Niagara, and the duties of certain officers in said counties in connection therewith, passed March 26, 1861,' is hereby amended so as to read as follows:

§ 1. The supervisors of the counties of Onondaga, Tioga, Oneida, Fulton, Monroe, Broome, Delaware, Cayuga, Orange, Jefferson, Richmond, Livingston, Chenango, Chemung, Ulster, Dutchess, Steuben, Niagara, Columbia and Herkimer, by their clerks, shall provide boxes with suitable inscriptions thereon, and with openings in the top, to be kept in the offices of the clerks of said counties, and in their charge, under lock and key, in which shall be deposited by said clerks all accounts and claims against said counties, duly verified according to law; and whenever said boards shall severally for themselves order, the clerks of said boards shall take from said boxes all bills and accounts against said counties, which they shall then file and number, and it shall not be lawful for the said boards of supervisors, in any one year, to audit as against said counties any other bill or account than such as shall have been deposited in said boxes, or otherwise in their possession, upon the morning of the fourth day of the annual meeting of said board; except bills for the services of supervisors, their clerks and janitors, and except bills for services or disbursements rendered or made during the session of the board.

§ 2. Said act is hereby further amended by adding thereto a new section as follows:

§ 4. Whenever the board of supervisors of any county of this State shall by resolution declare that the provisions of this act shall be extended and made applicable to such county, the provisions of this act shall thereafter be applicable to such county.

§ 3. This act shall take effect immediately.

Amend the title so as to read as follows:

"An act to amend an act entitled 'An act in relation to the auditing of accounts by the board of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,' passed March 26, 1861."

Mr. Hardin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey

Cook  
Cornell  
Folger

Little  
Montgomery  
Murphy

Ramsey  
Richards  
Robertson

Smith  
Tobey  
Truman

Clark  
ConnollyFreer  
Hurdin

Pruyn

Sanford

Young

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," with a message that they had concurred in the passage of the same, with the following amendments:

Title 1, section 1, strike out the words "and privileges conferred by the statutes of this State upon corporations," and insert in lieu thereof the following:

"Privileges and liabilities of corporations as provided by chapter 18, part 1, title 3 of the Revised Statutes."

Add at the end of the same section the following:

"And the wards and boundaries thereof shall remain as they now are."

Title 9, section 4. At the end of the section add the following:

"Except one-tenth part thereof, which one-tenth shall be paid by said commissioners to the treasurer of the county of Schenectady, and the same shall by him be paid over to the treasurer of the New York State Inebriate Asylum."

Title 5. Insert the following as a new section:

"§ 13. All the estate, real and personal, situate within the city of Schenectady, lying outside of the boundaries as said city existed under and by virtue of chapter 215 of the Laws of 1853, excepting so much thereof as belongs to the New York Central railroad company, shall be and is hereby declared exempt from assessment and taxation for the purposes of raising money to pay the expense of the lamp department and the expense of the fire department."

Mr. Pruyn moved to concur in said amendments, with the exception of so much of the new section 13, as added to title 5, being in the words "excepting so much thereof as belongs to the New York Central railroad company."

The President put the question whether the Senate would agree to said motion of Mr. Pruyn, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Ramsey	Tobey
Angel	Cornell	Little	Robertson	Truman
Bailey	Folger	Low	Sanford	Woodruff
Bell	Freer	Montgomery	Smith	Young
Bradley	Ganson	Pruyn		

23

Mr. Ramsey moved that the Senate concur in the words excepted by the motion of Mr. Pruyn.

The President put the question whether the Senate would agree to said motion of Mr. Ramsey, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Ramsey
-------	--------

2

#### FOR THE NEGATIVE.

Bailey	Cook	Hardin	Pruyn	Tobey
Bell	Cornell	Little	Sanford	Truman
Bradley	Folger	Low	Smith	Young
Connolly	Ganson	Montgomery		

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments, except the following words in section 13, title 5, "excepting so much thereof as belongs to the New York Central railroad company."



Mr. Little, from the committee on insurance companies, to which was referred the amendments of the Assembly to the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and to amend several acts amending the same," reported in favor of concurring in said amendments.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Bradley	Cornell	Little	Richards
Angel	Clark	Folger	Low	Robertson
Bailey	Cunolly	Ganson	Montgomery	Smith
Bell	Cook	Hardin	Prayn	Truman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to enable the Harmony Fire and Marine Insurance company to increase their capital and otherwise amend their charter," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Atlantic Fire Insurance company of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Little, from the committee on insurance companies, to which was referred the bill entitled "An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to additions of cash capital to existing funds of Mutual Marine Insurance companies," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to prescribe the fire limits in the village of Newburgh," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act,' passed May 25, 1836," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Hammondsport," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the Assembly bills entitled as follows :

"An act to prevent animals from running at large in the public highways."

"An act to prevent attempts to commit burglaries and other crimes."

Also the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes."

After some time spent therein, the President resumed the chair, and Mr. Richards, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Richards, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Richards, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

On motion of Mr. Richards, the Senate took a recess until 7 o'clock.

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### SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly returned the following entitled bill:

"An act to amend an act entitled 'An act to provide for the incorporation of Fire Insurance companies,' passed June 25, 1853."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county."

"An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853."

"An act to incorporate the fire department of the village of Corning."

"An act to release the interest of the State in certain lands of which John Turnbull died seised to Margaret Turnbull."

"An act for the relief of Eliza Harrison, an alien."

"An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair,' passed March 24, 1857."

"An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to authorize Hanson A. Risley, as late clerk of Chautauqua county, to sign the records made during his term of office as such clerk."

"An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards, and surrogate courts,' passed May 16, 1837."

"An act to incorporate the Starr Institute."

"An act to enable the people of this State to acquire certain lands situated in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison."

"An act in relation to plank roads and turnpike roads."

"An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard."

"An act making further provisions relative to encroachments upon highways."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly sent for concurrence the following entitled bills :

"An act for the preservation of moose, wild deer, birds and fresh water fish," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to legalize the election held in the village of Avon on the fourth day of March, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act in relation to the Troy and Cohoes railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to the disposition of burial plots in the Lutheran cemetery at Middle village, Queens county, Long Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo, and to enlarge its boundaries, passed April 13, 1853,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,' passed April 1, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to legalize the tax levied by the board of trustees of the village of Olean for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the village of Hamilton, passed May 11, 1840,' and to amend subdivision three of section three of chapter 297 of the Laws of 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize incorporated companies formed in pursuance of the laws of this State to navigate the lakes and rivers and Long Island sound, to charter any vessel owned by such company to the Government of the United States," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on commerce and navigation.

"An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called the Hempstead Plains) shall be sold or not," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the internal affairs of towns and counties.

"An act to extend the time for the completion of the Lebanon Springs railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act to incorporate the village of Panama, passed March 21, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to rebuild three locks on the Champlain canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Samuel Donaldson and Hiram Reynolds," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of James Oswald and Daniel Van Valkenburgh," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being Assembly claim bills on the general orders, entitled as follows:

"An act for the relief of C. Amelia Vernam and McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased."

"An act for the appraisal and payment of canal damages to Richard Claxton."

"An act to authorize the appraisal and payment of canal damages to Conley M. Morgan and Carter H. Morgan."

After some time spent therein, the President resumed the chair, and Mr. Freer, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to, and said bills ordered to a third reading.

By unanimous consent, Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to incorporate the Blind Mechanics' Association to be located in the city of New York," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Abbott, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize a loan to the town of Westfield," reported

in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to authorize the appraisal and payment of canal damages to Samuel Morgan."

"An act for the relief of the estate of David S. Colvin, deceased."

"An act for the relief of Levi Bennett."

After some time spent therein, the President resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The Assembly returned the following entitled bills:

"An act to amend an act entitled 'An act to provide for the incorporation of Life and Health Insurance companies, and in relation to agencies of such companies, passed June 24, 1853,' and the act amending the same, passed July 18, 1853."

"An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to the addition of cash capital to existing funds of the Orient Mutual Insurance company."

On motion of Mr. Little and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Murphy	Smith
Angel	Cook	Low	Pruyn	Tobey
Bailey	Gasson	Montgomery	Richards	Truman
Bell	Hardin	Munroe	Sanford	Young
Bradley				

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act in relation to the Troy and Cohoes railroad company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise one hundred and eighty-eight dollars by tax," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate a fire company in Union Village, Washington county,' passed March 22, 1837," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to legalize the election held in the village of Avon on the 4th day of March, 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend and consolidate the several acts in relation to the village of Hamilton, passed May 11, 1840,' and to amend subdivision three of section three of chapter 297 of the Laws of 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act for the relief of James O'Brien."

"An act for the relief of Otis Smith."

"An act for the relief of John Lloyd."

After some time spent therein, the President resumed the chair, and Mr. Pruyn, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered to a third reading.

By unanimous consent, Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Lebanon Springs railroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to authorize the appraisal and payment of canal damages to Anna Sophia Hobby."

"An act for the relief of Allen T. Goldsmith for canal damages."

"An act to authorize the appraisal and payment of canal damages to Walter O. Talcott."

After some time spent therein, the President resumed the chair, and Mr. Ramsey, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered to a third reading.

On motion of Mr. Folger, the Senate adjourned.

TUESDAY, APRIL 15, 1862.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

Mr. Folger, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to legalize the election held in the village of Avon on the fourth day of March, 1862."

"An act to amend an act entitled 'An act to incorporate a fire company in Union Village, Washington county,' passed March 22, 1837."

"An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise one hundred and eighty-eight dollars by tax."

"An act to amend an act entitled 'An act to amend and condense the several acts in relation to the village of Hamilton, passed May 11, 1840,' and to amend subdivision three of section three of chapter 297 of the Laws of 1859."

"An act to amend the charter of the village of Geneseo."

"An act relative to the annual meeting of the supervisors of Rensselaer county."

"An act for the better improvement of highways at Rockland Lake and vicinity."

"An act to authorize a loan to the town of Westfield."

"An act in relation to the Troy and Cohoes railroad company."

"An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act in relation to the Troy and Cohoes railroad company," with power to report complete, reported the same complete.

Mr. Smith moved to recommit said bill to the committee on railroads, with instructions to amend by striking out the words "36 and 37," in line 8, section 1.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend and condense the several acts in relation to the village of Hamilton, passed May 11, 1840,' and to amend subdivision three of section three of chapter 297 of the Laws of 1859," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was

referred the Assembly bill entitled "An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise one hundred and eighty-eight dollars by tax," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to legalize the election held in the village of Avon on the fourth day of March, 1862," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate a fire company in Union Village, Washington county,' passed March 22, 1837," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend the charter of the village of Geneseo," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Code of Procedure and to extend the term of office of Commissioners of the Code appointed under the act of April 6, 1857, and to repeal section 87, article 2d, title 2d, chapter 1st, part 3d of the Revised Statutes," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called the Hempstead Plains) shall be sold or not," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to jurors and to the appointment and the duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.



Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend existing laws which prohibit fishing with nets in the Crooked Lake, in the counties of Steuben and Yates, and to increase penalties for taking trout therefrom," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to authorize a loan to the town of Westfield," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act relative to the annual meeting of the supervisors of Rensselaer county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the charter of the Guardian Life Insurance company of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to reduce the number of directors of the Gallatin Fire Insurance company of the city of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act to provide for the payment of Francis Crawford as a soldier in the first regiment of New York volunteers in the Mexican war," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act to provide for the reimbursement of certain persons belonging to the militia of this State for clothing and equipments lost or destroyed in the service of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Smith, from the committee on militia and public defence, to which was referred the Assembly bill entitled "An act to protect the harbor of New York against invasion and provide for public defence," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

(See Doc. No. .)

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the charter of the New York Christian Benevolent Missionary society, &c., &c., formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable and religious societies,' passed March 12, 1848," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act to extend the benefits of instruction to the blind and for other purposes,

passed April 18, 1839," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to amend an act passed April 14, 1859, in relation to granting certain rights and privileges to the Otsego Lake turnpike company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal the charter of the West-field and Chautauqua Lake plank road company," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the better improvement of high-ways at Rockland Lake and vicinity," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

The Assembly returned the bill entitled "An act in relation to the Columbia Agricultural and Horticultural Association in the county of Columbia," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 2, engrossed bill, after the word "of," insert the word "any."

Same line, strike out the word "and," and insert in lieu thereof the word "or."

Same section, line 3, strike out the word "association," and insert in lieu thereof the word "associations."

Same section, 3d and 4th lines, strike out the words "the Columbia Agricultural and Horticultural," and insert in lieu thereof the word "such."

Line 12, strike out the word "said," and insert in lieu thereof the words "such fair."

Line 13, strike out the word "said," and insert in lieu thereof the words "any such."

Line 19, strike out the word "the," and insert in lieu thereof the words "any such."

Line 21, strike out the word "such," and insert in lieu thereof the word "the."

Line 22, strike out the word "the," and insert in lieu thereof the words "any such."

Amend the title so as to read as follows:

"An act in relation to Agricultural and Horticultural Associations."

Mr. Tobey moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Murphy	Sanford
Angel	Connolly	Little	Pruyn	Tobey
Bailey	Cook	Montgomery	Richards	Truman
Bell	Ganson	Munroe	Robertson	Young
Bradley				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Ramsey asked and obtained leave to introduce a bill entitled "An act relating to the alteration and repairs of the [SENATE JOURNAL.]

court house and jail of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The Assembly bill entitled "An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Robertson
Angel	Cook	Little	Pruyn	Tobey
Bailey	Freer	Montgomery	Ramsey	Truman
Bell	Ganson	Munroe	Richards	Young
Clark				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to facilitate the taking of oaths and affirmations and the acknowledgment of proof of written instruments by persons in the military service of this State or the United States as volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Sanford
Angel	Cook	Hutchinson	Pruyn	Smith
Bailey	Cornell	Little	Ramsey	Tobey
Bell	Freer	Montgomery	Richards	Truman
Bradley	Ganson	Munroe	Robertson	Young
Clark				

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Richard Calrow, junior," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith
Angel	Cook	Munroe	Ramsey	Woodruff
Bailey	Cornell	Murphy	Robertson	Young
Clark	Freer			

17

#### FOR THE NEGATIVE.

Bell	Ganson	Hardin	Little	Tobey
Folger				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Murphy moved to take from the table the motion to reconsider the vote on the bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Sanford
Bailey	Connolly	Little	Ramsey	Truman
Bell	Cornell	Murphy	Robertson	Woodruff
Bradley				

16

FOR THE NEGATIVE.

Angel	Ganson	Hutchinson	Richards	Tobey
Cook	Hardin	Montgomery	Smith	Young
Folger				

11

The Assembly bill entitled "An act for the relief of John Copeland for damages caused by the overflow of the Erie canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Ramsey	Sanford
Angel	Cook	Hutchinson	Richards	Truman
Bailey	Cornell	Pruyn	Robertson	Young
Clark	Folger			

17

FOR THE NEGATIVE.

Bell	Ganson	Little	Tobey	Woodruff
Bradley	Hardin	Montgomery		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act dividing the State into Congressional districts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Smith
Angel	Cook	Ganson	Pruyn	Tobey
Bailey	Cornell	Hardin	Ramsey	Truman
Bell	Folger	Little	Richards	Young

20

FOR THE NEGATIVE.

Connolly	Montgomery	Robertson	Sanford	Woodruff
Hutchinson	Murphy			

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the completion of the Chenango canal from its present termination at or near the village of Binghamton, to the North Branch canal, at the State line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

court house and jail of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The Assembly bill entitled "An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Robertson
Angel	Cook	Little	Pruyn	Tobey
Bailey	Freer	Montgomery	Ramsey	Truman
Bell	Ganson	Munroe	Richards	Young
Clark				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to facilitate the taking of oaths and affirmations and the acknowledgment of proof of written instruments by persons in the military service of this State or the United States as volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Murphy	Sanford
Angel	Cook	Hutchinson	Pruyn	Smith
Bailey	Cornell	Little	Ramsey	Tobey
Bell	Freer	Montgomery	Richards	Truman
Bradley	Ganson	Munroe	Robertson	Young
Clark				

26

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Richard Calrow, junior," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith
Angel	Cook	Munroe	Ramsey	Woodruff
Bailey	Cornell	Murphy	Robertson	Young
Clark	Freer			

17

FOR THE NEGATIVE.

Bell	Ganson	Hardin	Little	Tobey
Folger				

6

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Murphy moved to take from the table the motion to reconsider the vote on the bill entitled "An act to incorporate the Brooklyn Mutual Loan and Improvement company."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Sanford
Bailey	Connolly	Little	Ramsey	Truman
Bell	Cornell	Murphy	Robertson	Woodruff
Bradley				

16

FOR THE NEGATIVE.

Angel	Ganson	Hutchinson	Richards	Tobey,
Cook	Hardin	Montgomery	Smith	Young
Folger				

11

The Assembly bill entitled "An act for the relief of John Copeland for damages caused by the overflow of the Erie canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Ramsey	Sanford
Angel	Cook	Hutchinson	Richards	Truman
Bailey	Cornell	Pruyn	Robertson	Young
Clark	Folger			

17

FOR THE NEGATIVE.

Bell	Ganson	Little	Tobey	Woodruff
Bradley	Hardin	Montgomery		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The bill entitled "An act dividing the State into Congressional districts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Smith
Angel	Cook	Ganson	Pruyn	Tobey
Bailey	Cornell	Hardin	Ramsey	Truman
Bell	Folger	Little	Richards	Young

20

FOR THE NEGATIVE.

Connolly	Montgomery	Robertson	Sanford	Woodruff
Hutchinson	Murphy			

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to provide for the completion of the Chenango canal from its present termination at or near the village of Binghamton, to the North Branch canal, at the State line," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Ramsey	Truman
Angel	Connolly	Munroe	Richards	Woodruff
Bailey	Cook	Murphy	Sanford	Young
Bradley	Cornell	Pruyn	Smith	

19

## FOR THE NEGATIVE.

Bell	Ganson	Low	Robertson	Tobey
Folger	Hardin	Montgomery		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of John N. Elmore," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Ramsey	Truman
Angel	Cook	Munroe	Robertson	Woodruff
Bailey	Cornell	Murphy	Sanford	Young
Clark	Hardin	Pruyn	Smith	

19

## FOR THE NEGATIVE.

Folger	Ganson	Montgomery	Tobey
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4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the licensing of ballast lighters in the port of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Sanford
Angel	Cook	Low	Ramsey	Smith
Bailey	Cornell	Montgomery	Richards	Woodruff
Bell	Folger	Munroe	Robertson	Young
Clark	Ganson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the trustees of Amsterdam village to transfer a portion of a highway at or near that place to the control of the town commissioners of the town of Amsterdam, in the county of Montgomery," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Murphy	Sanford
Angel	Cook	Hardin	Ramsey	Smith

Bailey	Cornell	Hutchinson	Richards	Woodruff	
Bell	Folger	Little	Robertson	Young	
Clark	Freer	Munroe			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to extend the time for the completion of the Erie and New York city railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE

Abbott	Connolly	Hardin	Ramsey	Smith	
Angel	Cook	Munroe	Richards	Tobey	
Bailey	Cornell	Murphy	Robertson	Woodruff	
Bell	Folger	Prayn	Sanford	Young	
Clark	Freer				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to change the name of the town of Bucktooth, in the county of Cattaraugus, to Salamanca," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Ramsey	Sanford	
Angel	Cook	Low	Richards	Smith	
Bell	Cornell	Montgomery	Robertson	Young	
Clark	Freer	Murphy			18

## FOR THE NEGATIVE.

Folger	Prayn	Tobey		8
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the drainage of the low lands in the northeast part of the town of Cambria, in the county of Niagara," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Little	Prayn	Robertson	
Bailey	Cook	Montgomery	Ramsey	Smith	
Bell	Cornell	Munroe	Richards	Tobey	
Clark	Freer				17

## FOR THE NEGATIVE.

Abbott	Ganson	Low	Sanford	Young	
Folger	Hardin	Murphy	Woodruff		9

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the trustees of the vil-



lage of Dunkirk to pay certain military expenses and to issue bonds for the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Pruyn	Sanford
Angel	Connolly	Hutchinson	Ramsey	Smith
Bailey	Cook	Montgomery	Richards	Tobey
Bell	Cornell	Munroe	Robertson	Young
Bradley	Folger	Murphy		

23

FOR THE NEGATIVE.

Ganson				
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1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the appraisal and payment of canal damages to Richard Claxton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Sanford
Angel	Connolly	Hutchinson	Ramsey	Smith
Bailey	Cook	Munroe	Richards	Truman
Bradley	Cornell	Murphy	Robertson	Young

20

FOR THE NEGATIVE.

Bell	Hardin	Little	Low	Tobey
Ganson				

6

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to change the name of the town of Newark in the county of Tioga, to Newark Valley," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Tobey
Angel	Cook	Little	Ramsey	Truman
Bailey	Cornell	Low	Richards	Woodruff
Bell	Freer	Munroe	Robertson	Young
Bradley				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act making an appropriation for the benefit of the Stockbridge Indians," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Tobey
Angel	Cornell	Montgomery	Richards	Truman

Bailey	Folger	Munroe	Robertson	Woodruff	
Clark	Freer	Murphy	Sanford	Young	
Connolly	Hutchinson	Pruyn	Smith		24

## FOR THE NEGATIVE.

Low 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Peter Smith," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Murphy	Robertson	
Angel	Cook	Hardin	Pruyn	Sanford	
Bailey	Cornell	Hutchinson	Ramsey	Smith	
Clark	Folger	Munroe	Richards	Tobey	20

## FOR THE NEGATIVE.

Little Low Montgomery Truman Young 5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows :

"An act to amend an act entitled 'An act in relation to the auditing of accounts by the boards of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,' passed March 26, 1861."

"An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces."

The Assembly bill entitled "An act to provide for the collection of agricultural statistics in the several counties of this State," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Robertson	
Angel	Cook	Little	Pruyn	Smith	
Bailey	Freer	Lew	Ramsey	Truman]	
Bell	Ganson	Montgomery	Richard.	Young	
Clark	Hardin				22

## FOR THE NEGATIVE.

Folger 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the Atlantic Fire Insurance company of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Low	Ramsey
Angel	Connolly	Ganson	Montgomery	Richards
Bailey	Cook	Hardin	Munroe	Robertson
Bell	Cornell	Hutchinson	Murphy	Tobey
Bradley	Folger	Little	Pruyn	Woodruff

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to prescribe the fire limits in the village of Newburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Clark	Ganson	Munroe	Sanford
Bailey	Connolly	Hardin	Murphy	Tobey
Bell	Cornell	Low	Richards	Woodruff
Bradley	Freer	Montgomery	Robertson	

19

## FOR THE NEGATIVE.

Folger	Hutchinson	Truman	
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3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act, passed May 25, 1836,'" was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Connolly	Ganson	Montgomery	Sanford
Bailey	Cook	Hardin	Munroe	Smith
Bell	Cornell	Hutchinson	Murphy	Tobey
Bradley	Folger	Little	Pruyn	Truman
Clark	Freer	Low	Richards	

24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the village of Hammondsport," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Montgomery	Richards
Angel	Cook	Hutchinson	Munroe	Sanford
Bell	Cornell	Little	Murphy	Smith
Bradley	Folger	Low	Pruyn	Young
Clark	Freer			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to prevent animals from running at large in the public highways," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Bailey	Cornell	Hardin	Pruyn	Sanford
Bradley	Folger	Low	Ramsey	Smith
Clark	Freer	Munroe	Richards	Tobey
Connolly	Ganson	Murphy	Robertson	Woodruff
Cook				

21

## FOR THE NEGATIVE.

Angel	Hutchinson	Montgomery	Truman	Young
Bell	Little			

7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to prevent attempts to commit burglaries and other crimes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Murphy	Smith
Bailey	Cook	Hardin	Pruyn	Tobey
Bell	Cornell	Little	Ramsey	Truman
Bradley	Folger	Montgomery	Richards	Woodruff
Clark	Freer	Munroe	Sanford	Young

25

## FOR THE NEGATIVE.

Angel	Hutchinson	Low
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of C. Amelia Vernam and McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Richards	Truman
Angel	Connolly	Munroe	Robertson	Woodruff
Bailey	Cook	Pruyn	Sanford	Young
Bradley	Cornell	Ramsey	Smith	

19

## FOR THE NEGATIVE.

Bell	Hardin	Little	Low	Tobey
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5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of the estate of David S. Colvin, deceased," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Ramsey	Smith
Angel	Connolly	Munroe	Richards	Truman
Bailey	Cook	Murphy	Robertson	Woodruff
Bell	Cornell	Pruyn	Sanford	Young
Bradley				

21

## FOR THE NEGATIVE.

Little Low

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Conley M. Morgan and Carter H. Morgan," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Ramsey	Smith
Angel	Cook	Hutchinson	Richards	Truman
Bailey	Cornell	Munroe	Robertson	Woodruff
Clark	Freer	Pruyn	Sanford	Young

20

## FOR THE NEGATIVE.

Bell Low Montgomery Tobey

4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the Blind Mechanics' Association to be located in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Richards	Tobey
Bailey	Cornell	Little	Robertson	Truman
Bell	Freer	Montgomery	Sanford	Woodruff
Bradley	Ganson	Munroe	Smith	Young
Clark	Hardin	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Samuel Morgan," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Pruyn	Smith
Angel	Cook	Little	Ramsey	Truman
Bailey	Cornell	Munroe	Robertson	Woodruff
Bradley	Freer	Murphy	Sanford	Young

20

## FOR THE NEGATIVE.

Bell

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Levi Bennett," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Ramsey	Truman
Angel	Connolly	Hutchinson	Robertson	Woodruff
Bailey	Cook	Munroe	Sanford	Young
Bradley	Cornell	Murphy	Smith	

19

## FOR THE NEGATIVE.

Bell	Hardin	Low	Montgomery	Tobey
Ganson	Little			

7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of James O'Brien," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Ramsey	Smith
Angel	Cornell	Munroe	Richards	Truman
Bailey	Freer	Murphy	Robertson	Woodruff
Bradley	Hutchinson	Pruyn	Sanford	Young
Clark				

21

## FOR THE NEGATIVE.

Bell	Folger	Hardin	Montgomery	Tobey
Connolly	Ganson	Low		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Otis Smith," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Munroe	Richards	Truman
Angel	Connolly	Murphy	Robertson	Woodruff
Bailey	Cook	Pruyn	Sanford	Young
Bradley	Freer	Ramsey	Smith	

19

## FOR THE NEGATIVE.

Bell	Folger	Hardin	Low	Tobey
Cornell	Ganson	Little	Montgomery	

9

*Ordered*, That the Clerk return said bill to the Assembly, with a mes-

sage informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of John Lloyd," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Munroe	Sanford
Angel	Connolly	Ganson	Murphy	Smith
Bailey	Cook	Hardin	Pruyn	Woodruff
Bradley	Cornell	Little	Richards	Young

20

FOR THE NEGATIVE.

Tobey

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Anne Sophia Hobby," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Murphy	Smith
Angel	Connolly	Hardin	Ramsey	Truman
Bailey	Cook	Hutchinson	Richards	Woodruff
Bell	Cornell	Little	Sanford	Young
Bradley	Folger	Munroe		

23

FOR THE NEGATIVE.

Ganson

Low

Tobey

3

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Walter O. Talcott," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Ramsey	Tobey
Angel	Connolly	Hutchinson	Richards	Truman
Bailey	Cook	Munroe	Sanford	Young
Bradley	Cornell	Pruyn	Smith	

19

FOR THE NEGATIVE.

Bell

Little

Low

Montgomery

4

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Allen T. Goldsmith for canal damages," was read a third time.

The President put the question whether the Senate would agree to the

final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Pruyn	Truman
Angel	Connolly	Hutchinson	Ramsey	Woodruff
Bailey	Cook	Munroe	Robertson	Young
Bradley	Cornell	Murphy	Sanford	

19

## FOR THE NEGATIVE.

Bell	Hardin	Low	Richards	Tobey
Folger	Little	Montgomery		

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Robertson moved that the Assembly bill entitled "An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts," be referred to the first committee of the whole, to-morrow.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1862," with a message that they had concurred in the amendments of the Senate thereto, with the exception of the following :

Page 3, lines 15, 16 and 17, strike out the words "and the office of State Assessor is abolished after the 1st day of April, 1862," and insert in lieu thereof the words "one thousand five hundred dollars."

Page 4, line 8, strike out "seven thousand," and insert "eight thousand five hundred."

Same page, line 9, after word "thousand," insert "and fifty."

Same page, line 35, strike out word "eight" first occurring, and insert "nine."

Same page, line 37, strike out "ten" and insert "three."

Page 9, line 21, after the word "dollars," insert a new paragraph, the following :

"To the board of Pilot Commissioners for their expenses in protecting the harbor of the city of New York, and removing obstructions from the same, four thousand five hundred dollars."

Page 11, lines 21 and 22, strike out "twenty-seven" and insert "thirty-eight."

"To the New York Ophthalmic Hospital, one thousand dollars."

Page 12, after the word "friendless," in line 17, strike out the balance of the paragraph, and insert the following in lieu thereof :

"Forty thousand dollars, which amount shall be apportioned among the several counties of this State in the ratio of their aggregate valuation as established by the board of equalization. The dividend to which the several counties are respectively entitled shall be divided between the several asylums in those counties in proportion to the number of indigent and orphan children wholly maintained during the preceding year in each of the asylums. In the case of counties in which there are no asylums, the dividend to which they shall be entitled shall be paid to the board of supervisors, when it shall appear in proper and satisfactory evidence that suitable provision has been made for the maintenance of the orphan and destitute children and that a home has been provided for them separate and distinct from the alms houses in such counties."



On these amendments they have appointed Messrs. Hulburd, Avery, Seymour, D. Waterbury and Darrow, a committee of conference on their part, and request a like committee on the part of the Senate.

Mr. Bell moved that the Senate consent to a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cook moved that the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to declare the village of Belleville a separate road district," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out section 2, engrossed bill.

Change number of section 2 to section 3.

Mr. Bell moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Ramsey	Smith
Angel	Cook	Low	Richards	Tobey
Bell	Folger	Montgomery	Robertson	Woodruff
Bradley	Freer	Munroe	Sanford	Young
Clark	Ganson	Pruyn		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bills :

"An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs."

"An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorces."

"An act to amend an act entitled 'An act in relation to the auditing of accounts by the boards of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,' passed March 26, 1861."

"An act in relation to Agricultural and Horticultural Associations."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Bell moved that the bill entitled "An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Murphy moved that the bill entitled "An act to authorize the Brooklyn city and Newtown railroad company to lay their track with rails of less weight than required by the general railroad act, and for other purposes," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson moved that the claim bills on the general orders be made the special order for to-morrow evening, and that the Senate hold a session for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Munroe called for the consideration of the following resolution from the Assembly :

*Resolved*, (if the Senate concur,) That 1,000 copies of the Transactions of the Agricultural society be printed for the State Agricultural society ; 25 copies for each member and officer of the Legislature ; 15 copies for each reporter of the Legislature ; 20 copies for each County Agricultural society in counties electing one member of Assembly, and a proportionate additional number in counties electing more than one member of Assembly ; 10 copies for each Town Agricultural society ; 15 copies for each Union Agricultural society, and 50 copies for the Regents of the University ; and that said report be printed and bound in the same manner as last year, and be distributed in accordance with the foregoing resolution, without delay.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Munroe	Ramsey	Sanford
Bailey	Hardin	Murphy	Richards	Smith
Bell	Hutchinson	Pruyn	Robertson	Young
Clark				

16

#### FOR THE NEGATIVE.

Bradley	Folger	Little	Montgomery	Truman
Cook	Ganson	Low	Tobey	Woodruff

10

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Hardin moved that the bill entitled "An act to encourage the investment, in small sums, by the people of this State in the stocks of the State," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Ramsey moved to take from the table the Assembly bill entitled "An act to revise the charter of the village of Binghamton."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Munroe	Ramsey	Sanford
Bell	Freer	Murphy	Richards	Smith
Clark	Hardin	Pruyn	Robertson	Truman
Connolly	Low			

17

#### FOR THE NEGATIVE.

Abbott	Folger	Hutchinson	Montgomery	Young
Bradley	Ganson	Little	Tobey	

9

Mr. Ramsey moved to recommit said bill to the committee on cities and villages.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as the committee of conference on the part of the Senate on the Assembly bill entitled "An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1862," Messrs. Bell, Truman and Murphy.

By unanimous consent, Mr. Sanford moved that the Assembly bill entitled "An act to amend the Statutes concerning Teachers' Institutes, and

otherwise in relation to public instruction," be referred back to the committee on literature, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act to enable the schools of the Children's Aid Society to participate in the distribution of the common school fund."

"An act authorizing the selection of a site for another State prison."

"An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes."

After some time spent therein, the President resumed the chair, and Mr. Little, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the same committee, reported that they had gone through with the second named bill, and struck out the enacting clause.

The President put the question whether the Senate would agree to the report of the committee of the whole, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Munroe	Richards	Tobey
Bailey	Hardin	Murphy	Smith	Young
Bell	Low	Pruyn		

13

#### FOR THE NEGATIVE.

Cook	Ganson	Hutchinson	Ramsey	Truman
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5

Mr. Little, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Truman moved that said bill be made the special order to-morrow, immediately after third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Woodruff moved that the Assembly bill entitled "An act to punish frauds upon laborers and others seeking employment," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Bradley, the Senate took a recess until 7 o'clock.

### SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the following entitled bill:

"An act making appropriations for certain expenses of Government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Tobey moved that the committee of the whole be discharged from the further consideration of the Assembly bills entitled as follows:

"An act to amend the charter of the New York Christian Benevolent Missionary Society, formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed March 12, 1848."

"An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839."

And that said bills be recommitted to the committee on charitable and religious societies, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act in relation to Agricultural and Horticultural Associations."

"An act to declare the village of Belleville a separate road district."

The Assembly returned the following entitled bill:

"An act to declare the village of Belleville a separate road district."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend the charter of the New York Christian Benevolent Missionary Society, formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed March 12, 1848," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Pruyn, from the committee on literature, to which was referred the Assembly bill entitled "An act to amend the Statutes concerning Teachers' Institutes, and otherwise in relation to public instruction," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Cook asked and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga Lake and the channel of Seneca River,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize and empower the president, managers and company of the Delaware and Hudson canal company to erect telegraph lines along the line of said company's canal," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act confirming acts of courts of sessions of Cortland county," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to punish frauds

upon laborers and others seeking employment," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Smith, from the committee on militia and public defence, to which was referred the bill entitled "An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York for the service of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Robertson moved that said bill be made the special order for to-morrow evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Richards, the Senate adjourned.

### WEDNESDAY, APRIL 16, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills, as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to enable the Harmony Fire and Marine Insurance company to increase their capital and otherwise to amend their charter."

"An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town."

"An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester."

"An act in relation to the justices' courts and police courts in the city of Brooklyn."

"An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called Hempstead Plains) shall be sold or not."

"An act relating to awnings in the city of Brooklyn."

"An act to amend the charter of the Guardian Life Insurance company of New York."

"An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben."

"An act to repeal the charter of the Westfield and Chautauque Lake plankroad company."

Also the following entitled Senate bill:

"An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district.'"

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Angel presented a petition of citizens of Wellsville, to legalize proceedings of the Union Free School in said village, which was read and referred to the committee on literature.

Mr. Pruyn presented a memorial of the Albany Burgesses Corps, in favor of reimbursing the 20th regiment for the loss of uniforms, which was read and referred to the committee of the whole.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to repeal the charter of the Westfield and Chautauqua Lake plankroad company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act in relation to the Troy and Cohoes railroad company," with power to report complete, reported the same complete, with an amendment thereto, as directed by the Senate, which report was agreed to and said bill ordered to a third reading.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act enabling Mount Prospect Industrial School in the city of Brooklyn to share in the distribution of the school moneys," reported that the committee have made sundry amendments thereto, and have also amended the title so as to read as follows:—"An act enabling Mount Prospect Industrial School and the other incorporated Industrial Schools in the city of Brooklyn to share in the distribution of the school moneys," and as amended, recommend its passage; said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act relating to awnings in the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to enable the Harmony Fire and Marine Insurance company to increase their capital and otherwise to amend their charter," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was

referred the Assembly bill entitled "An act to amend the charter of the Guardian Life Insurance company of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Ganson, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the justices' courts and police courts in the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called the Hempstead Plains) shall be sold or not," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the disposition of burial plats in the Lutheran Cemetery at Middle Village, Queens county, Long Island," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the election of a police justice in the town of Milton, Saratoga county," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the transcribing of certain registry lists in the town of Whites-town," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Richards, from the committee on agriculture, to which was referred the Assembly bill entitled "An act to authorize the issue of bonds by the President and Trustees of the American Guano company, of the city of New York, and the execution by them, as security for the same, of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act to rebuild three locks on the Champlain canal," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

(See Doc. No. 111.)

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows:

"An act to regulate places of public amusement in the cities and incorporated villages of this State."

The Assembly sent for concurrence the following entitled bills :

"An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to establish bulkhead and pier lines for the port of New York,' passed April 17, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to constitute the village of Middleport in the towns of Royalton and Hartland and county of Niagara a separate road district," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on cities and villages.

"An act to exempt St. John's College, in the town of West Farms, county of Westchester, from the school tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to amend section twenty-nine of article one of title four of chapter two of part four of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the fire department of the village of Batavia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to release the interest of the State in certain lands of which Paul McCloskey died seized or possessed to Ann McCloskey and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to authorize school district number four in the town of Greece, to raise money on its bonds for building a school house," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

"An act to provide for a night police in the village of Canandaigua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to incorporate the Moresville turnpike company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend section 13 of title 1, chapter 4 of part 2d of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn,' passed April 10, 1860," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ganson, said bill was referred to the committee on the judiciary.

"An act to change the name of Frederick Bergholdt to Frederick Berry," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



"An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act entitled 'An act to equalize the State tax among the several counties in this State,' passed April 14, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to re-incorporate the Rockbottom bridge company of the village of Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act authorizing the appraisal and payment of canal damages to Charles B. Bingham, Salmon Butts, Jonas B. Huxley and Amanda Sampson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the appraisal and payment of canal damages to James Hyde," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize the Canal Appraisers to examine the claim of Daniel A. Shaw," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to provide means for the support of Government, for the supplying of deficiencies under article 7, section three of the Constitution, as amended, for the interest and redemption of State indebtedness, for the maintenance of common schools, and to amend the first section of chapter 180 of the Laws of 1856, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the 5th day of August, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent, Mr. Angel asked and obtained leave to introduce a bill entitled "An act for the relief of the Union Free School of district No. 1, in the village of Wellsville, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Angel and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill; and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Clark	Hardin	Montgomery	Russell
Bailey	Cook	Hutchinson	Munroe	Richards
Bell	Freer	Little	Murphy	Tobey
Bradley	Ganson	Low	Prayn	Young

39

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly returned the bill entitled "An act to incorporate the Blind Mechanics' Association to be located in the city of New York," with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the bill entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," with a message

that they had receded from that portion of their amendments to said bill in which the Senate non-concurred, being in the words following: "excepting so much thereof as belongs to the New York Central railroad company."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Munroe gave notice that he would, at an early day, move to suspend so much of rule nine as is in the following words: "and the President and Clerk of the Senate shall see that all bills shall be acted upon by the Senate in the order in which they are reported and stand upon the calendar, unless otherwise ordered by two-thirds of the Senators present," in order that he may move to make the Metropolitan Health bill a special order.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend and condense the several acts in relation to the village of Hamilton, passed May 11, 1840,' and to amend subdivision three of section three of chapter 297 of the Laws of 1859," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Folger	Low	Prayn	Smith
Bailey	Freer	Montgomery	Ramsey	Tobey
Bell	Hardin	Munroe	Richards	Truman
Clark	Hutchinson	Murphy	Sanford	Young
Cook	Little			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Montgomery	Sanford
Bailey	Folger	Hutchinson	Murphy	Tobey
Bell	Freer	Little	Prayn	Truman
Clark	Gage	Low	Ramsey	Young

20

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise one hundred and eighty-eight dollars by tax," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Sanford
Bailey	Folger	Little	Prayn	Tobey
Bell	Freer	Low	Ramsey	Truman
Clark	Ganson	Montgomery	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a mes-

sage informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to legalize the election held in the village of Avon on the fourth day of March, 1862," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Montgomery	Sanford
Bailey	Folger	Hutchinson	Murphy	Tobey
Bell	Freer	Little	Prayn	Truman
Clark	Ganson	Low	Ramsey	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the village of Geneseo," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Connolly	Hutchinson	Ramsey	Tobey
Bell	Cook	Little	Robertson	Truman
Bradley	Freer	Low	Sanford	Young
Clark	Hardin	Murphy		

18

FOR THE NEGATIVE.

Bailey	Folger			
--------	--------	--	--	--

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend existing laws which prohibit fishing with nets in the Crooked lake, in the counties of Steuben and Yates, and to increase penalties for taking trout therefrom," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Folger	Hutchinson	Murphy	Sanford
Bell	Freer	Little	Prayn	Tobey
Clark	Ganson	Low	Richards	Truman
Cook	Hardin	Munroe	Robertson	Young
Farrar				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate a fire company in Union Village, Washington county,' passed March 22, 1837," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Richards
Angel	Cook	Hutchinson	Murphy	Tobey
Bailey	Folger	Little	Pruyn	Truman
Bell	Freer	Low	Ramsey	Young
Clerk	Ganson	Montgomery		

33

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize a loan to the town of Westfield," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Robertson
Angel	Cook	Hutchinson	Murphy	Sanford
Bailey	Folger	Little	Pruyn	Tobey
Bell	Freer	Low	Ramsey	Truman
Bradley	Ganson	Montgomery	Richards	Young
Clerk				

36

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act relative to the annual meeting of the supervisors of Rensselaer county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Robertson
Angel	Cook	Hutchinson	Murphy	Tobey
Bailey	Folger	Little	Pruyn	Truman
Bell	Freer	Low	Ramsey	Young
Clerk	Ganson	Montgomery	Richards	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the better improvement of highways at Rockland Lake and vicinity," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Angel	Folger	Low	Pruyn	Sanford
Bailey	Freer	Montgomery	Ramsey	Tobey
Bell	Hardin	Munroe	Richard.	Truman
Clerk	Hutchinson	Murphy	Robertson	Woodruff
Connolly	Little			

23

FOR THE NEGATIVE.

Ganson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to enable the schools of the Children's Aid Society to participate in the distribution of the common school fund," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Murphy	Sanford
Angel	Folger	Little	Prayn	Tobey
Ballay	Freer	Low	Ramsey	Truman
Bell	Ganson	Montgomery	Richards	Young
Clark	Hardin	Munroe		

23

## FOR THE NEGATIVE.

Woodruff

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the New York Christian Benevolent Missionary Society, formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed March 12, 1848," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Little	Prayn	Sanford
Ballay	Folger	Low	Ramsey	Tobey
Bell	Freer	Montgomery	Richards	Truman
Clark	Hutchinson	Munroe	Robertson	Young
Connolly				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows.

## FOR THE AFFIRMATIVE.

Angel	Connolly	Hardin	Munroe	Sanford
Ballay	Cook	Hutchinson	Prayn	Tobey
Bell	Folger	Little	Ramsey	Truman
Bradley	Freer	Low	Richards	Woodruff
Clark	Ganson	Montgomery	Robertson	Young

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize and empower the president, managers and company of the Delaware and Hudson canal company to erect telegraph lines along the line of said company's canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cook	Hutchinson	Pruyn	Smith
Bell	Folger	Little	Ramsey	Tobey
Bradley	Freer	Montgomery	Richards	Truman
Clark	Ganson	Munroe	Robertson	Woodruff
Connolly	Hardin	Murphy	Sanford	Young

35

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to punish frauds upon laborers and others seeking employment," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cornell	Hutchinson	Pruyn	Smith
Bell	Folger	Little	Ramsey	Tobey
Bradley	Freer	Montgomery	Richards	Truman
Clark	Ganson	Munroe	Robertson	Woodruff
Connolly	Hardin	Murphy	Sanford	Young
Cook				

36

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment :

"An act relative to documentary evidence."

"An act to authorize the city of Brooklyn to issue bonds in payment of moneys borrowed for the equipment of volunteers and militia for the present war, and the support of their families."

"An act to incorporate the Exchange company of New York."

"An act in relation to superintendents of poor."

"An act to authorize the commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage."

"An act to provide for the better assessment of real estate for highway labor and for the better working of the same, and for the better keeping highways in repair in the town of Seneca, in the county of Ontario."

"An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to amend an act entitled 'An act to incorporate the Williamsburgh Savings bank,' passed April 9, 1851."

"An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847,' and of the several acts amendatory thereof, so far as relates to the village of Middletown in the county of Orange."

"An act to renew the charter of the New York Institution for the instruction of the deaf and dumb."

"An act to amend an act entitled 'An act to incorporate the New York College of Veterinary Surgeons,' passed April 6, 1857."

"An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto."

"An act to authorize the construction of a bridge over the Allegany

river on the Indian Reservation, in the town of Carleton, in the county of Cattaraugus."

"An act to amend an act entitled 'An act to regulate the sale of poisons,' passed April 16, 1860."

"An act to incorporate the Presbyterian Committee of Home Missions of the General Assembly of the Presbyterian church in the United States of America."

"An act for the relief of Frederick D. Van Wageningen."

"An act for the relief of Ebenezer Murdock."

"An act for the relief of Patrick Colwell."

"An act to alter the commissioners' map of the city of Brooklyn."

"An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855."

"An act to incorporate the Neversink river plankroad company and to authorize the issuing and holding of certificates of stock therein."

"An act incorporating a permanent library association for Masonic and kindred works, in the city of New York."

"An act to prevent and punish fraud in the use of false stamps, brands, labels, or trade marks."

"An act for the relief of William Rumble and others."

"An act in relation to the Union turnpike company."

"An act to change the name of 'The Rose Hill Savings bank' in the city of New York."

*Ordered*, that the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town."

"An act making an appropriation for the benefit of the Stockbridge Indians."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills:

"An act to declare the village of Belleville a separate road district."

"An act to regulate places of public amusement in the cities and incorporated villages of this State."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Angel, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:

"An act for the relief of the Union Free School of district No. 1, in the village of Wellsville, in the county of Allegany."

Mr. Tobey offered the following resolution:

*Resolved*, That the committee on internal affairs of towns and counties, be directed to report forthwith the Assembly bill referred to them entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof."

Pending the question on the adoption of said resolution, the hour of 12 o'clock having arrived, the President announced that the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the bill entitled as follows:

"An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes."

After some time spent therein, the President resumed the chair, and Mr. Little, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

On motion of Mr. Bradley, the Senate took a recess until 7 o'clock P. M.

### SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to re-incorporate the Rockbottom bridge company of the village of Binghamton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the Moresville turnpike company," reported in favor of the passage of the same.

On motion of Mr. Ramsey and by unanimous consent, the rules were suspended and said bill was recommitted to the committee on roads and bridges, to report complete.

The Assembly sent for concurrence the following entitled bills :

"An act to amend an act to provide for the incorporation and regulation of telegraph companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to change the location of a portion of the Baldwinsville canal and to rebuild the lock thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act entitled an act in regard to tolls on the Jordan and Skaneateles plankroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to enable the supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Low, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the regulation and inspection of buildings, the more effectual prevention of fires and the better preservation of life and property in the city of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo, and to enlarge its boundaries, passed April 18, 1858,' and the several acts amendatory thereof," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Mount Morris,



passed May 2, 1885,' and the several subsequent acts amending the same," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the village of Panama, passed March 21, 1862," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to provide for a night police in the village of Canandaigua," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to legalize the tax levied by the board of trustees of the village of Olean for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the Harlem Stage and Ferry company of the city of New York, passed April 17, 1860," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from a majority of the committee on cities and villages, to which was referred the Assembly bill entitled "An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed Nov. 27, 1855," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to constitute the village of Middleport in the towns of Royalton and Hartland and county of Niagara, a separate road district," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Batavia," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands of which Paul McCloskey died seized or possessed to Ann McCloskey and others," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of James J. McCue, Simon Schermerhorn and Daniel D. Campbell," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Ephraim Owen and Henry Holman," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to create the office

of commissioner of lunacy," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend section 29 of article 1 of title 4 of chapter 2 of part 4 of the Revised Statutes," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to change the name of Frederick Bergholdt to Frederick Berry," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips, in the cities of New York and Brooklyn,' passed April 10, 1860," reported in favor of the passage of the same.

On motion of Mr. Murphy and by unanimous consent, the rules were suspended and said bill was recommitted to the committee on the judiciary, to report complete.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to equalize the State tax among the several counties in this State,' passed April 14, 1859," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to establish bulkheads and pier lines for the port of New York,' passed April 17, 1857," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act in relation to the publication of notices by the contracting board," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, lines 5 and 6, engrossed bill, strike out the words "and in one other daily paper in the city of Albany, and no more."

Same section, line 7, strike out the words "one of the," and insert "not more than three."

Same section, same line, strike out the words "in each county in or through," and insert "published in the division districts in."

Same section, line 8, strike out the words "any section," and insert "the work."

Mr. Hutchinson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Pruyn	Smith
Bradley	Hardin	Montgomery	Ramsey	Tobey
Clark	Hutchinson	Manree	Richards	Young
Cook	Little			

17

#### FOR THE NEGATIVE.

Angel	Folger	Truman
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act authorizing the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal in the town of Gaines, Orleans county," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 11, engrossed bill, after the word "him," insert "in consequence of such break."

Same section, line 12, after the word "liable," insert "and that such break was caused by the defective construction of the culvert under such canal."

Mr. Hutchinson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE

Abbott	Cook	Hutchinson	Murphy	Sanford
Angel	Cornell	Little	Prayn	Smith
Bradley	Folger	Montgomery	Ramsay	Truman
Clark	Hardin	Munroe	Richards	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to alter the terms for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 4, engrossed bill, and insert the following in lieu thereof:

"Sec. 4. It shall be the duty of the keepers and matrons of each prison and penitentiary in this State to keep such record, day by day, of the manner of working of each convict therein to whom the provisions of this act shall be applicable, and of his conduct therein as shall show what convicts have fulfilled the requirements of the several sections thereof, and each of such keepers or matrons shall report such record at the end of each month to the agent or principal keeper of the prison or penitentiary, and it shall be the duty of the agent or principal keeper of such State prison or penitentiary to preserve such record, and he shall not more than thirty days before the term of such convict expires as diminished by said record transmit a copy of such record to the Governor, which shall give the name of such convict, the date of his reception, the term of his sentence, and the Governor of the State of New York may therefore in his discretion direct the abatement or deduction of the term of the sentence of said convict of the number of days of commutation or diminution thereof which said convict shall have earned."

Mr. Folger moved that said amendments be referred to the judiciary committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act authorizing the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 7, engrossed bill, after the word "any," insert the word "such."

Same section, line 8, after the word "liable," insert the words "and that such breach was caused by the defective construction of a culvert under said canal."

Mr. Hutchinson moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Murphy	Sanford
Angel	Cornell	Hutchinson	Pruyn	Smith
Bradley	Folger	Little	Ramsey	Truman
Clark	Ganson	Munroe	Richards	Young
Connolly				

21

## FOR THE NEGATIVE.

Low Tobey 2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county, for that purpose," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 1. engrossed bill, strike out the name of "James Morgan," and insert the name of "Daniel Underwood."

Same section, line 2, strike out "Warren," and insert "Washington."

Section 3, line 4, strike out the word "six," and insert "three."

Mr. Little moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Tobey
Angel	Cornell	Little	Ramsey	Truman
Bradley	Folger	Montgomery	Richards	Woodruff
Clark	Ganson	Munroe	Sanford	Young
Connolly	Hardin	Murphy	Smith	

24

## FOR THE NEGATIVE.

Low 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill "An act to provide the means to pay the indebtedness of the State, incurred for the enlargement and completion of the canals, and to increase the revenue of the Sinking Fund, under section 8 of article 7 of the Constitution," with a message that they had concurred in the passage of the same, with the following amendment :

Section 1, line 5, engrossed bill, strike out the word "five," and insert "six,"

Mr. Hardin moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hutchinson	Pruyn	Woodruff
Angel	Hardin	Little	Sanford	Young
Bradley				

11

## FOR THE NEGATIVE.

Clark	Folger	Montgomery	Richards	Tobey <sup>11</sup>
Connolly	Ganson	Munroe	Smith	Truman
Cook	Low	Ramsey		

13

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendment.

The Assembly returned the bill entitled "An act to incorporate the New York Commercial Association," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line —, engrossed bill, strike out the words "at any one time."

Same section, line 9, after the word "dollars," insert the words "to the purposes of such association."

Section 3, line 8, after the word "to" last occurring, insert the word "the."

Same section, strike out lines 10, 11, 12 and 13.

Section 4, line 3, strike out the words "by the."

At the end of section 7, add the following:—"except for frauds, collusion or corruption of said association, committee or some member thereof."

Add the following as section 8:

"§ 8. This act shall take effect immediately."

Mr. Murphy moved that the Senate concur in said amendments:

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Pruyn	Tobey
Bradley	Folger	Low	Ramsey	Truman
Clark	Ganson	Montgomery	Richards	Woodruff
Connolly	Hardin	Munroe	Smith	Young
Cook	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act for the relief of Hawley, Waldron and company," with a message that they had concurred in the passage of the same, with the following amendment:

Section 1, line 1, engrossed bill, strike out the word "board," and insert the word "appraisers."

Mr. Munroe moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Ramsey	Smith
Bradley	Cornell	Hutchinson	Richards	Woodruff
Clark	Folger	Munroe	Sanford	Young
Connolly	Freer	Pruyn		

19

#### FOR THE NEGATIVE.

Angel	Little	Montgomery	Tobey	Truman
Ganson	Low			

7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Low moved to reconsider the vote taken yesterday making claim bills on the general orders a special order for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being Assembly claim bills on the general orders, entitled as follows:

"An act for the relief of James Oswald and Daniel A. Van Valkenburgh."

"An act for the relief of John C. Adams for canal damages."

"An act for the relief of Samuel Burns for canal damages."

After some time spent therein, the President resumed the chair, and Mr. Sanford, from said committee, reported in favor of the passage of said bills, without amendment, which report was agreed to and said bills ordered to a third reading.

The Assembly returned the following entitled bill :

"An act for the relief of Hawley, Waldron and company."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act in regard to tolls on the Jordan and Skaneateles plankroad," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Abbott moved that the Assembly bill entitled "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," be recommitted to the committee on internal affairs of towns and counties, to report complete, and retain its place on order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate again resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act for the relief of Leora A. Poole."

"An act for the relief of Samuel Donaldson and Hiram Reynolds."

Also, the Senate bill entitled as follows :

"An act to provide for the appraisement of canal damages sustained by Jane C. Wilson, Francis H. Rosseel, Charles Townsend, Charles Townsend, 2nd, Louis Townsend, George Townsend, George Coit, Hiram E. Howard and George Palmer, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city."

After some time spent therein, the President resumed the chair, and Mr. Munroe, from said committee, reported in favor of the passage of the two first named bills, without amendment, which report was agreed to and said bills ordered to a third reading.

Mr. Munroe, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered engrossed for a third reading.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment :

"An act in relation to certain school moneys and property of the Fourteenth and Fifteenth Townships in the county of Chautauque."

"An act to amend the charter of the Excelsior Fire Insurance company, in the city of New York."

"An act to incorporate the Canandaigua Walton Club."

"An act to incorporate the American Missionary Association."

"An act for the better support of roads and bridges in Saratoga Springs."

"An act for the relief of John F. Packard and Henry Hoffman, sureties of Purdy M. Willets, contractor for canal repairs on section ten, Erie canal."

"An act to amend chapter 505 of the Laws of 1860."

"An act to incorporate the fire department of the village of Owego."

"An act to authorize the payment of interest on certain canal drafts protested for non-payment."

"An act for the relief of Russel Martin and Theodore H. Luckey, as-

signees of a contract to William McArthur for the repairs of section number three Genesee Valley canal."

"An act to amend an act entitled 'An act to incorporate the Loaners' Association in the city of New York,' passed April 10, 1861."

"An act in relation to the jail and penitentiary in the county of Kings."

"An act to cede the jurisdiction of this State to the United States over lands in the city of Buffalo."

"An act to incorporate the Ten Broeck Free Academy."

"An act to amend section 86 of article 2, title 10, chapter 8 of the third part of the Revised Statutes."

"An act to authorize the discharge of mortgages of record in certain cases."

"An act to amend an act entitled 'An act to incorporate the Citizens' Savings bank of the city of New York,' passed April 5, 1860."

"An act to enable the commissioners of the Black River State road to re-levy certain taxes for the construction of said road."

"An act to repeal the first and second sections of an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860."

"An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments and to administer oaths in Great Britain and France.'"

"An act to provide for the payment of the subsistence of volunteers for the service of the United States, raised in the county of Ontario."

"An act to amend chapter 427 of the Laws of 1855."

"An act to alter the map of the late village of Williamsburgh, now part of the city of Brooklyn."

"An act to amend an act to increase the number of firemen in the village of Rhinebeck, passed February 6, 1840."

"An act to close part of Partition street in the Twelfth ward of the city of Brooklyn."

"An act in relation to the First Congregational church and society of Moravia."

"An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others whenever a portion of the pavement is temporarily removed."

"An act to incorporate the Homeopathic Medical Society of the State of New York."

"An act to repeal chapter 789 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies."

"An act for the release of certain lands and real estate of which Thomas Walmsley died seised to Alexander Walmsley."

"An act to dissolve the First Society of United Christian Friends, called Restorationists."

"An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a part of their road."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the further special order, being the Assembly bill entitled as follows:

"An act entitled 'An act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence.'"

After some time spent therein, the President resumed the chair, and Mr.

Little, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to a select committee of one from each judicial district, with power to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell, from the committee of conference, on the part of the Senate and Assembly, to consider matters of difference between the two Houses on the Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of Oct., 1862," report that they have conferred together and agreed upon the following report:

The Senate recede from their amendment adding "\$50 to the appropriation in the office of the Attorney General."

Assembly concur with the Senate in striking out the words "and the office of State Assessor is abolished after the first day of April, 1862."

Senate recede from their amendment inserting "\$1,500 to each State Assessor."

Assembly concur in Senate amendment in striking out "\$7,000" and inserting "\$8,500" for the office of Secretary of State.

Assembly concur in Senate amendment striking out "\$8,000" and inserting "\$9,000" for State Library.

Assembly concur in Senate amendment in striking out "\$2,000" and inserting "\$3,000" for books for State Library.

Assembly concur in Senate amendment in the words following:

"To the board of Pilot Commissioners for their expenses in protecting the harbor in the city of New York and removing obstructions from the same, \$4,500."

Assembly concur in Senate amendment in the words following:

"To the New York Ophthalmic Hospital, \$1,000."

To the Senate Amendment in the words following, the committee are unable to agree:

"1. The appropriation for the Institution for the Blind, increasing it from \$27,000 to \$38,000."

"2. The following amendment to the appropriation for the Orphan Asylum, forty thousand dollars; which amount shall be apportioned among the several counties of this State in the ratio of their aggregate valuation as established by the board of equalization. The dividend to which the several counties are respectively entitled shall be divided between the several counties in proportion to the number of indigent and orphan children wholly maintained during the preceding year in each of the asylums. In the case of counties in which there are no asylums the dividend to which they shall be entitled shall be paid to the board of supervisors when it shall appear on proper and satisfactory evidence that suitable provision has been made for the maintenance of the orphan and destitute children, and that a home has been provided for them separate and distinct from the alms houses in such counties."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, two-thirds of all the Senators elected voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott  
Angel

Connolly  
Cornell

Hardin  
Hutchinson

Munroe  
Murphy

Richards  
Tobey



Bell	Folger	Little	Pruya	Truman	
Bradley	Freer	Low	Ramsey	Young	
Clark	Ganson	Montgomery			23

Mr. Bell moved that the Senate insist upon their amendment to said bill, in which the committee of conference were unable to agree, increasing the appropriation for the Institution for the Blind from \$27,000 to \$38,000.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Bell moved that the Senate insist upon their amendment to said bill, in the words following:

"Forty thousand dollars; which amount shall be apportioned among the several counties of this State in the ratio of their aggregate valuation as established by the board of equalization. The dividend to which the several counties are respectively entitled shall be divided between the several counties in proportion to the number of indigent and orphan children wholly maintained during the preceding year in each of the asylums. In the case of counties in which there are no asylums the dividend to which they shall be entitled shall be paid to the board of supervisors when it shall appear on proper and satisfactory evidence that suitable provision has been made for the maintenance of the orphan and destitute children, and that a home has been provided for them separate and distinct from the alms house in such counties."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference, except as to those items in relation to which the committee were unable to agree, and as to those items the Senate insist upon their amendments.

Mr. Bell moved to reconsider the vote non-concurring in the Assembly amendments to the bill entitled "An act to provide the means to pay the indebtedness of the State, incurred for the enlargement and completion of the canals, and to increase the revenue of the Sinking Fund under section three of article seven of the Constitution."

Mr. Truman moved to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree in concurring in the amendments of the Assembly to said bill, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cannolly	Hutchinson	Ramsey	Tobey	
Angel	Cornell	Little	Richards	Woodruff	
Bell	Freer	Murphy	Smith	Young	
Bradley	Hardin	Pruya			18

#### FOR THE NEGATIVE.

Clark	Ganson	Montgomery	Munroe	Truman	
Folger					6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

On motion of Mr. Angel, the Senate adjourned.

## THURSDAY, APRIL 17, 1862.]

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Pohlman.

The journal of yesterday was read and approved.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to provide for a night police in the village on Canandaigua."

"An act entitled an act in regard to tolls on the Jordan and Skaneateles plankroad."

"An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same."

"An act to authorize the issue of bonds by the president and trustees of the American Guano company of the city of New York, and the execution by them, as security for the same of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean."

"An act to release the interest of the State in certain lands of which Paul McCloskey died seised or possessed to Ann McCloskey and others."

"An act to provide for the election of a police justice in the town of Milton, Saratoga county."

"An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed November 27, 1855."

"An act to amend an act to incorporate the Harlem Stage and Ferry company of the city of New York, passed April 17, 1860."

"An act to legalize the tax levied by the board of trustees of the village of Olean for the year 1861, and to provide for the collection of the amount of such taxes as the same has been heretofore levied and assessed by said trustees."

"An act to amend an act to incorporate the village of Panama, passed March 21, 1861."

"An act to re-incorporate the Rockbottom bridge company of the village of Binghamton."

"An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835,' and the several subsequent acts amending the same."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Messrs. Tobey, Little, Hardin, Folger and Smith presented petitions in favor of Metropolitan Health bill, which were read and referred to the committee on internal affairs of towns and counties.

Mr. Clark presented a petition of citizens of Madison county, in favor of the act in relation to receivers of Mutual Insurance companies, which was laid on the table.

Mr. Smith presented a memorial of the New York Chamber of Commerce, for enlarging the locks on the canals for the defence of the Lakes, with a communication from Capt. Ericsson.

Mr. Smith moved that said memorial be laid upon the table and printed. The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

(See Doc. No. 110.)

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to prevent fraud in the opening and laying out streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare said village a separate road district,'" reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes; also to regulate the expenditure of certain revenues of said county," reported in favor of the passage of the same, with an amendment, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the relief of poor widows with small children,' passed April 5, 1810," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Hardin, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the sale of the property of the Baptist Church in the village of New Haven, county of Oswego," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Ganson, from a majority of the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 374 of Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district,'" with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn,' passed April 10, 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to release the interest of the State in certain lands of which Paul McCloskey died seised or possessed to Ann McCloskey and others," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act entitled 'An act in regard to tolls

on the Jordan and Skaneateles plankroad," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to incorporate the Moresville turnpike company," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Cook, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river,'" reported in favor of the passage of the same.

Mr. Cook moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to provide for a night police in the village of Canandaigua," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed November 27, 1855," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the Harlem Stage and Ferry company of the city of New York, passed April 17, 1860," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835,' and the several subsequent acts amending the same," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the election of a police justice in the town of Milton, Saratoga county," with power to report complete, reported the same complete, with an amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Abbott moved to lay the order of business of reports of standing committees on the table until one o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President presented a communication from the Commissioners of the Canal Fund, in reply to the resolution of the Senate in relation to the payment of the interest of the State debt in coin, which was laid on the table and ordered printed.

(See Doc. No. 113.)

The Assembly sent for concurrence the following entitled bills:

"An act to regulate the fees of associate justices of the peace in criminal

causes and in cases of bastardy," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Montgomery and by unanimous consent, the rules were suspended and said bill was referred to the committee on the judiciary, to report complete.

"An act to confirm the contract made by the street commissioner of the city of New York with Michael Tracy for doing certain work in Fifty-sixth street, between Broadway and Sixth avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

By unanimous consent, Mr. Ganson asked and obtained leave to introduce a bill entitled "An act to confirm the acts of Samuel Sizer as commissioner of deeds," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Connolly	Freer	Low	Ramsay
Bailey	Cook	Ganson	Montgomery	Sanford
Bradley	Cornell	Hardin	Murphy	Smith
Clark	Folger	Little	Prayn	Young

29

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows :

"An act authorizing the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal in the town of Gaines, Orleans county."

"An act authorizing the appraisal and payment of canal damages to Amos Kelsey, caused by a break in the Erie canal in the town of Gaines, Orleans county."

"An act in relation to the publication of notices by the Contracting Board."

Also as correctly engrossed :

"An act to provide for the appraisement and payment of canal damages sustained by Jane C. Wilson, Francis H. Rosseel, Chas. Townsend, Chas. Townsend, 2nd, Louis Townsend, George Townsend, George Coit, Hiram E. Howard and George Palmer, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city."

"An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes."

"An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code appointed under the act of April 6, 1857, and to repeal section 37, article 2, title 2, chapter 1, part 3 of the Revised Statutes."

The Assembly bill entitled "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Little	Pruyn	
Angel	Connolly	Ganson	Low	Richards	
Bailey	Cook	Hardin	Montgomery	Sanford	
Bradley	Cornell	Hutchinson	Munroe	Young	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act authorizing the commissioners of highways of the town of Westfield, Richmond county, to lay out and open a road in said town," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Low	Pruyn	
Angel	Cook	Ganson	Montgomery	Richards	
Bailey	Cornell	Hardin	Munroe	Sanford	
Bradley	Folger	Little	Murphy	Young	21
Clark					

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to repeal the charter of the Westfield and Chautauqua Lake plankroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Low	Pruyn	
Angel	Connolly	Hardin	Montgomery	Richards	
Bailey	Cook	Hutchinson	Munroe	Sanford	
Bradley	Folger	Little	Murphy	Young	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act relating to awnings in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Freer	Little	Murphy	
Bailey	Cook	Ganson	Low	Richards	
Bradley	Cornell	Hardin	Montgomery	Sanford	
Clark	Folger	Hutchinson	Munroe	Young	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to enable the Harmony Fire and

Marine Insurance company to increase their capital and otherwise to amend their charter," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Connolly	Hutchinson	Munroe	Richards
Angel	Cook	Little	Murphy	Robertson
Bailey	Cornell	Low	Pruyn	Sanford
Bradley	Freer	Montgomery	Ramsey	Young
Clark	Ganson			

22

**FOR THE NEGATIVE.**

Folger	Hardin	Truman
--------	--------	--------

3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend the charter of the Guardian Life Insurance company of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Angel	Cook	Hutchinson	Murphy	Robertson
Bailey	Cornell	Little	Pruyn	Sanford
Clark	Freer	Montgomery	Ramsey	Smith
Connolly	Hardin	Munroe	Richards	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act in relation to the justices' courts and police courts in the city of Brooklyn," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Cook	Ganson	Low	Ramsey
Angel	Cornell	Hardin	Montgomery	Richards
Bailey	Folger	Hutchinson	Munroe	Robertson
Clark	Freer	Little	Murphy	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called the Hempstead Plains) shall be sold or not," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Folger	Little	Murphy	Sanford
Angel	Ganson	Low	Ramsey	Smith
Bailey	Hardin	Montgomery	Richards	Truman

Clerk  
Cook

Hutchinson

Munroe

Robertson

Young

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The third reading of the bill entitled "An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code, appointed under the act of April 6, 1857, and to repeal section 37, article 2, title 2, chapter 1, part 3 of the Revised Statutes," having been announced—

On motion of Mr. Hardin and by unanimous consent, said bill was amended by adding to section 11 the following :

"Unless the court shall otherwise order, the referee or referees shall make and deliver his report within sixty days from the time the action shall be finally submitted, and in default thereof said referee or referees shall not be entitled to receive any fees, and the action shall proceed as though no reference had been ordered."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey  
ClarkCook  
Folger  
Freer  
HardinHutchinson  
Little  
Low  
MontgomeryMurphy  
Ramsey  
RichardsSanford  
Smith  
Young

18

## FOR THE NEGATIVE.

Pruyn

Robertson

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act in relation to the Troy and Cohoes railroad company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bailey  
Bradley  
ClarkConnolly  
Cook  
Folger  
Freer  
LittleLow  
Montgomery  
Munroe  
MurphyPruyn  
Ramsey  
Richards  
RobertsonSanford  
Smith  
Truman  
Young

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to provide for the regulation and inspection of buildings, the more effectual prevention of fires, and the better preservation of life and property in the city of New York," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
AngelConnolly  
CookLittle  
LowPruyn  
RamseySanford  
Smith



Bailey	Folger	Montgomery	Richards	Truman	
Bradley	Hardin	Munroe	Robertson	Young	
Clark	Hutchinson	Murphy			23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of James Oswald and Daniel A. Van Valkenburgh," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Low	Ramsey	Sanford	
Angel	Connolly	Montgomery	Richards	Smith	
Bailey	Cook	Munroe	Robertson	Young	
Bradley	Hutchinson	Pruyn			10

#### FOR THE NEGATIVE.

Folger	Hardin	Murphy			2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The third reading of the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," having been announced—

Mr. Folger moved to recommit said bill, with instructions to amend by inserting the following at the end of section first :

"Or instead of enlarging a tier of locks on the Oswego canals, the said Canal Board may (whenever the Government of the United States shall provide the means as aforesaid,) construct a canal of the requisite dimensions and capacity from the Erie canal at or near the village of Clyde to some proper point on the Great Sodus Bay or Lake Ontario, or may both enlarge said Oswego canal locks, and construct another canal."

Section 4, line 3, after "enlarged" insert "or build,"

And report the same back forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Low	Ramsey	
Bailey	Folger	Hardin	Montgomery	Smith	
Bradley	Freer	Little	Pruyn	Young	15

#### FOR THE NEGATIVE.

Angel	Clark	Hutchinson	Richards	Sanford	
Bell	Cornell	Munroe	Robertson	Tobey	10

The Assembly bill entitled "An act for the relief of John C. Adams for canal damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Ramsey	Sanford	
Angel	Connolly	Hutchinson	Richards	Smith	
Bailey	Cook	Munroe	Robertson	Young	
Bradley	Cornell				17

## FOR THE NEGATIVE.

Bell	Hardin	Little	Tobey	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Samuel Burns for canal damages," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Pruyn	Sanford
Bailey	Cook	Hutchinson	Ramsey	Smith
Bradley	Folger	Little	Richards	Young
Clark	Freer	Munroe	Robertson	19

## FOR THE NEGATIVE.

Low	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act for the relief of Leora A. Poole," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hardin	Murphy	Robertson
Angel	Connolly	Hutchinson	Pruyn	Smith
Bailey	Cook	Munroe	Ramsey	Young
Bradley	Ganson			17

## FOR THE NEGATIVE.

Bell	Cornell	Little	Tobey	4
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Samuel Donaldson and Hiram Reynolds," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Pruyn	Sanford
Angel	Cook	Hutchinson	Ramsey	Smith
Bailey	Cornell	Montgomery	Richards	Tobey
Bradley	Folger	Munroe	Robertson	Young
Clark	Freer			21

## FOR THE NEGATIVE.

Low	1
-----	---

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to provide for the appraisement and payment of canal damages sustained by Jane C. Wilson, Francois H. Rosseel, Chas. Townsend, Chas. Townsend, 2nd, Louis Townsend, Geo. Townsend, Geo. Coit, Hiram E. Howard and Geo. Palmer, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Bradley	Cornell	Ramsey	Smith
Angel	Clark	Folger	Richards	Young
Bailey	Connolly	Pruyn	Robertson	

14

## FOR THE NEGATIVE.

Little	Montgomery	Tobey	
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3

Mr. Ganson moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Robertson
Angel	Cook	Hardin	Pruyn	Sanford
Bailey	Cornell	Hutobinson	Ramsey	Smith
Bradley	Folger	Montgomery	Richards	Young
Clark	Freer			

22

## FOR THE NEGATIVE.

Low	
-----	--

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Low offered the following resolution :

*Resolved*, (if the Assembly concur,) That this Legislature do adjourn, without day, on April 19th, at 4 o'clock P. M.

*Ordered*, That said resolution be laid on the table.

Mr. Ramsey moved to reconsider the vote taken last evening agreeing to the report of the judiciary committee adverse to the Assembly bill entitled "An act for the relief of James J. McCue, Simon Schermerhorn and Daniel D. Campbell."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Ramsey moved that the report of the committee be disagreed to, and that said bill be referred to the committee of the whole.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Richards moved that the Assembly bill entitled "An act to rebuild three locks on the Champlain canal," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Connolly moved that the Assembly bill entitled "An act for the establishing academical departments in the different 'Union Free Schools'

and other institutions of learning in this State," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hutchinson offered the following resolution :

*Resolved*, That the American Express company, the United States Express company, the National Express company, the Adams Express company, the Wells, Fargo & Co. Express company, the Hampden Express company, and the Hope Express company, be required to report to the Comptroller of the State within thirty days after the adoption of this resolution, the amount of their capital stock, and the amount actually paid in ; the amount of their receipts for the past year ; the amount paid to their directors or officers, stating the sum that each has received the last year ; the amount of valuation of their property on the assessment roll, and the amount of tax paid the past year, specifying whether it is county, city, village or town tax ; the amount of their dividends the past year ; the amount of surplus on hand, and the average amount charged on packages weighing less than 25 lbs. for each ten miles carried, and the amount charged for packages over 25 lbs. and less than 100 lbs., and the amount charged per lb. for 100 lbs. and upwards per ten miles.

Mr. Munroe moved to lay said resolution on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

In pursuance of previous notice, given yesterday, Mr. Munroe moved to suspend so much of the 9th rule as is in the words following: "and the President and Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they are reported and stand upon the calendar, unless otherwise ordered by two-thirds of the Senators present," for the purpose indicated in the notice yesterday.

Pending the question on said motion, the hour of one o'clock having arrived, the President announced the special order, being reports of standing committees.

Mr. Abbott, from a majority of the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the minority of the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof," reported in favor of the passage of the same, without amendment, and said bill was committed to the committee of the whole.

Mr. Munroe moved that said bill be made the special order for to-morrow morning immediately after reports of standing committees.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Sanford, from the committee on literature, to which was referred the Assembly bill entitled "An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein," reported in favor of the

passage of the same, with amendments, and said bill was committed to the committee of the whole.

Mr. Pruyn from the committee on literature, to which was referred the Assembly bill entitled "An act to authorize school district number four, in the town of Greece, to raise money on its bonds for building a school house," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Murphy moved that the Assembly bill entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof," be printed as reported.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

In pursuance of previous notice, Mr. Robertson moved to suspend the 48th rule of the Senate, in the words following:

"48. The Senate shall go into the consideration of executive business on such days as may from time to time be deemed necessary. All nominations for the appointment of any officer shall be referred to the Senator from the senatorial district within which the nominee resides, unless otherwise ordered; and all nominations of officers residing in New York, shall be referred to the Senators from that city, and all nominations of officers residing in Kings county, shall be referred to the Senators from that county, unless otherwise ordered; and a future day for the consideration of all nominations shall be assigned, and the consent of the Senate to the appointment of any officer shall not be transmitted in less than one week thereafter, without the unanimous consent of the Senate; and while any nomination remains with the Senate, it shall be in order to reconsider any vote taken thereon."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, a majority of all the Senators elected not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Freer	Little	Ramsey	Sanford
Bradley	Hardin	Montgomery	Richards	Tobey
Cook	Hutchinson	Pruyn	Robertson	Young
Folger				

16

#### FOR THE NEGATIVE.

Abbott	Clark	Murphy	Smith	Truman
Angel	Cornell			

7

Mr. Robertson moved to reconsider said vote.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Robertson moved to lay the question on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Tobey—

*Resolved*, That the Senate will go into executive session on Friday next at 12 o'clock M.

The Assembly returned the bill entitled "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 4.

Change the number of section 5, engrossed bill, to section 4.

Mr. Tobey moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Bradley	Cornell	Little	Ramsey	Sanford	
Connolly	Hardin	Montgomery	Richards	Smith	
Cook	Hutchinson	Murphy	Robertson	Tobey	15

FOR THE NEGATIVE.

Abbott	Clark	Freer	Truman	Young	
Bailey	Folger	Munroe			8

Mr. Tobey moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act to amend the charter of the Schoharie Kill bridge company, and laws relating thereto," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 8, engrossed bill, after the word "and" insert the words "the village of."

Same section, line 15, after the word "road" insert "or commute for the same as required by section 3 of the act passed April 17, 1851, by the first day of July in each and every year."

Same section, line 19, after the word "June" insert "or any day thereafter, in writing or otherwise."

Mr. Freer moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith	
Angel	Cook	Montgomery	Richards	Tobey	
Bailey	Folger	Munroe	Robertson	Truman	
Bradley	Freer	Murphy	Sanford	Young	
Clark					21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the bill entitled "An act for the protection of bridges belonging to the State, or under its control," with a message that they had concurred in the passage of the same, with the following amendment:

Section 4, engrossed bill, strike out the word "immediately," and insert "June 1st, 1862."

Mr. Hutchinson moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Smith	
Angel	Cook	Little	Ramsey	Tobey	
Bailey	Folger	Munroe	Richards	Truman	
Bradley	Freer	Murphy	Sanford	Young	
Clark	Hardin				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

Mr. Smith moved that the Assembly bill entitled "An act to amend an act entitled 'An act in relation to jurors and to the appointment and the

duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The President announced as the select committee on the Assembly bill for the re-organization of the militia and for the public defence—Messrs. Ramsey, Smith, Little, Bradley, Truman, Hutchinson, Abbott and Sanford.

Mr. Hutchinson moved that the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages,' passed April 17, 1860," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Richards moved to take from the table the motion to reconsider the vote on concurrence in the Assembly amendments to the bill entitled "An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

The President then put the question whether the Senate would agree in concurring in amendments of Assembly to said bill, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Folger	Montgomery	Ramsey	Sanford
Bailey	Hardin	Munroe	Richards	Smith
Bradley	Hutchinson	Murphy	Robertson	Tobey
Cook	Little	Pruyn		
				18

#### FOR THE NEGATIVE.

Abbott	Connolly	Freer	Truman	Young
Clark				
				6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly returned the following entitled bills :

"An act to provide the means to pay the indebtedness of the State, incurred for the enlargement and completion of the canals, and to increase the revenue of the Sinking Fund under section 3 of article 7 of the Constitution."

"An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose."

"An act to amend and consolidate the several acts relative to the city of Schoenectady."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows :

"An act to amend an act entitled 'An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847."

"An act to authorize the Brooklyn city and Newtown railroad company

to lay their track with rails of less weight than required by the general railroad act, and for other purposes."

Assembly, "An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts."

After some time spent therein, the President resumed the chair, and Mr. Clark, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the same committee, reported that they have made sundry amendments to the second named bill, and amended the title so as to read as follows:—"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," and as amended, recommend its passage; which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Clark, from the same committee, reported progress on the last named bill, and asked and obtained leave to sit again.

Mr. Bailey moved that said bill be made the special order for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger moved that the Assembly bill entitled "An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York for the service of the United States," be made the special order for this evening.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1862," with a message that they had agreed to the report of the committee of conference on said bill as to those items on which the committee agreed, and as to those items on which the committee failed to agree, the Assembly insist upon their non-concurrence, and request a further committee of conference.

Mr. Bell moved that the Senate consent to a further committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate consent to another committee of conference.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to amend an act entitled 'An act to further amend the charter of the village of Dunkirk, and for other purposes,' passed Feb. 16, 1860."

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State."

"An act to facilitate the taking of oaths and affirmations and the acknowledgment or proof of written instruments by persons in the military service of this State or the United States as volunteers."

"An act for the relief of Peter Smith,"

"An act to extend the time for the completion of the Erie and New York city railroad."

"An act to amend the act entitled 'An act to incorporate the village of



Cleveland, Oswego county, passed April 15, 1857,' and its several amendments to enlarge its powers."

"An act to authorize a loan to the town of Westfield."

"An act for the relief of C. Amelia Vernam and McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased."

"An act to amend existing laws which prohibit fishing with nets in the Crooked Lake, in the counties of Steuben and Yates, and to increase penalties for taking trout therefrom."

"An act to authorize the trustees of the village of Dunkirk to pay certain military expenses and to issue bonds for the same."

"An act for the relief of Richard Calrow, junior."

"An act to prevent attempts to commit burglaries and other crimes."

"An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839."

"An act to amend an act to provide for the re-building the locks on the Oneida Lake canal."

"An act for the relief of William Monteath."

"An act for the appraisal and payment of canal damages to Richard Claxton."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Connolly, from the committee on canals, to which was recommitted the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes," reported the same back with amendment, as directed by the Senate.

Mr. Sanford moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Ramsey, the Senate took a recess until 7 o'clock.

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## SEVEN O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize incorporated companies formed in pursuance of the laws of this State to navigate the lakes and rivers and Long Island sound, to charter any vessel owned by such company to the Government of the United States," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to authorize the issue of bonds by the President and Trustees of the American Guano company of the city of New York, and the execution by them, as security for the same, of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act further to amend the act entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary,

to which was referred the Assembly bill entitled "An act to amend sec. 13 of title 1, chapter 4, of part 2nd of the Revised Statutes," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to regulate the fees of associate justices of the peace in criminal cases and in cases of bastardy," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Pruyn, from the committee on literature, to which was referred the Assembly bill entitled "An act to exempt St. John's College, in the town of West Farms, &c., from the school tax," reported in favor of the passage of the same, with amendments.

On motion of Mr. Robertson and by unanimous consent, the rules were suspended and said bill was recommitted to the committee, to report complete.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to James Hyde," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Low, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act to incorporate the village of Panama, passed March 21, 1861," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Low, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to legalize the tax levied by the board of trustees of the village of Olean for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Low, from a majority of the committee on cities and villages, to which was referred the Assembly bill entitled "An act to confirm the contract made by the street commissioner of the city of New York with Michael Tracy, for doing certain work in Fifty-sixth street, between Broadway and the Sixth avenue," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act to re-incorporate the Rockbottom bridge company of the village of Binghamton," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special orders, being the Assembly bills entitled as follows:

"An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York for the service of the United States."

"An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts."

After some time spent therein, the President resumed the chair, and Mr. Abbott, from said committee, reported in favor of the passage of the first named bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Abbott, from the same committee, reported in favor of the last named bill, with amendments.

Mr. Robertson moved to strike out the amendment made in committee of the whole, in the words following:—"And fees of the said commissioners shall be paid by the contractors, not to exceed ten dollars per day each, and in no case shall the State be liable therefor."

The President put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Murphy	Ramsey	Robertson	
Clark	Freer	Pruyn	Richards	Sanford	
Connolly					11

FOR THE NEGATIVE.

Bradley	Ganson	Montgomery	Smith	Truman	
Cook	Hardin	Munroe	Tobey	Young	
Folger	Little				12

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

A message was received from his Excellency the Governor, by the hands of his Private Secretary, in the words following, to wit:

STATE OF NEW YORK—EXECUTIVE DEPARTMENT. }  
ALBANY, April 17, 1862. }

*To the Senate*: I return to your honorable body in which it originated, the bill entitled "An act to facilitate the construction, and extend the time for the completion of the Albany and Susquehanna railroad."

The provisions, substantially, of the bill are, that it appropriates two hundred and fifty thousand dollars to aid in building the said Albany and Susquehanna railroad, and imposes a State tax of three-sixteenths of a mill on each dollar of the valuation of the real and personal property in this State, to meet the appropriation thus made. It authorizes the Comptroller to demand and receive of the said company stock therein to the amount of two hundred and fifty thousand dollars; and exonerates the State from liability on account of said stock. It also extends the time for the completion of the road, in compliance with the conditions of an act authorizing the city of Albany to make a loan to said company, five years beyond the time now prescribed by law.

Convictions of duty have compelled me, upon three previous occasions, to return to the Legislature, with my objections, bills having in view the same general object, with that sought in the present act.

In returning the bill of last year (See Senate Journal, page 495,) I said: "In assigning my reasons for withholding my assent from the bills passed at the last and the preceding sessions, 'to facilitate the construction of the Albany and Susquehanna railroad,' the conviction was distinctly expressed that such a donation of the public money as was therein made, fell clearly within the requirement of section nine, article first of the Constitution, which declares that 'the assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes.' Upon both occasions it was stated that the bills 'lacked the constitutional vote necessary to give them vitality,' inasmuch as they had not, in either instance, received 'the assent of two-thirds of the members elected to each branch of the Legislature.'" At the same time I stated that it was 'within the power of the two houses to obviate this palpable objection to the bill under consideration, by conforming their action to the requirements of the

Constitution in the particular mentioned.' The objections urged were sustained by the Legislature on each of the occasions referred to.

"I call attention to these facts to show that there has been no concealment of my views on this point of constitutional construction ; and especially because the bill herewith returned comes to me with the certificate of the presiding officers in both branches of the Legislature, showing it to have been passed by the concurrence of a 'majority of the members elected to each house, three-fifths being present.' Having, therefore, received but a majority of affirmative votes, and not two-thirds, my objection applies with the same force against the present as against the former bills for the same object, in this respect.

"Since the bill was delivered to me, I have carefully examined the precedents and impartially weighed the arguments submitted for my consideration, and zealously urged by those whose views, in this regard, differ from my own. But it is sufficient for me to say, that my convictions on this point have undergone no modification. On the contrary, reflection has but served to deepen them ; and hence, no alternative remains to me save either to violate the dictates of my judgment and conscience, or to withhold my signature from the bill.

"Whilst I am frank to admit that, in view of the existing posture of public affairs, I cannot regard the present as an auspicious time in which to prosecute new works of improvement, or to add to the already heavy burthens of tax-payers, I could yet waive my views of mere policy in deference to the wishes of the representatives of the people in the co-ordinate branches of the Legislature. But, when the question involved is one of constitutional duty, and of fealty to that oath which places the requirements of the Constitution above all considerations of utility and precedent, I can see but one path of duty, and that is obedience to constitutional convictions."

The reasons assigned for withholding my signature from the acts heretofore passed, were, in each instance, of sufficient cogency to arrest the final passage of the proposed measure. Prominent among the objections urged on these several occasions, and in my estimation overruling all others, was the failure on the part of the Legislature to pass the bill in accordance with the requirement of section nine, article one of the Constitution, which declares "the assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property, for local or private purposes."

Whilst some of the objectionable features contained in the two first bills passed in aid of this corporation, have been obviated in the present bill, I regret that the radical defect to which I have alluded, applies with equal force to the passage of that herewith returned. I can perceive nothing in its provisions which takes it out of the scope of the constitutional requirement to which I have adverted. It is true the bill declares the appropriation to be for "public purposes," but a simple declaration to that effect cannot make it so, if the object to which it applies be private or local in its character. Nor does the incidental provision that in cases of invasion or insurrection, soldiers and munitions of war shall be transported over said railroad free of charge, in anywise obviate the constitutional requirement of a vote of two-thirds for a proper passage of a bill of this character. The fact still remains that the money appropriated is in aid of a corporation created with a view to personal profit, whose property and franchises are owned and controlled by individuals, and whose sphere of operations is confined to a comparatively limited locality. The persons incorporated are

not public servants; they make their expenditure without accountability to the public; they are not subject to process of impeachment; the profits of the enterprise are subject to division to individual corporators; they prescribe the charges for freight and passengers and the company belongs to the class of what is called in the Constitution "Individual Associations or Corporations."

So, also, if the constitutional inhibition against appropriations for local and private purposes by a vote of less than two-thirds of the number elected to each branch of the Legislature, can be defeated by an assignment of stock, then a mere majority of the Legislature may make the State a partner in the various railroad, bridge and similar corporations, within its limits. While it is contrary to the wise policy of the State to hold or traffic in the stock of corporations, I cannot see that this provision in any manner or degree changes the character of the appropriation from the treasury. It will be observed that the Comptroller may or may not, at his option, demand the stock, while the payment of the sum fixed in the first section is imperative. All things considered, this would seem rather in the nature of palliation for drawing moneys from the treasury, as it cannot seriously be claimed that a nominal amount of the capital stock of this road yet to be constructed and equipped, and its business to a large extent uncertain, is an equivalent for the moneys appropriated, especially as the stocks in the most prosperous of the great lines already completed and in operation, have an average market value much below par. Evasions of the plain requirements of the Constitution, even if successful in attaining a coveted object, are of evil example, and serve to pave the way for grosser departures from sound principles of public policy and constitutional requirements.

My convictions in regard to the character of the proposed appropriation and the vote requisite to its constitutional enactment, have been frequently and unreservedly expressed. The provisions of the Constitution may be incompatible with the attainment of objects deemed desirable, but the responsibility rests not with the Executive, whose duty it is to conform his action to the provisions of that instrument. In deciding to withhold my signature, I claim only the same right of opinion which is freely conceded to others. Regarding the bill now returned as appropriating the public money for a local and private purpose, without having received the assent of two-thirds of the members elected to each branch of the Legislature, as required by article first, section nine of the Constitution, my signature is withheld therefrom, and it is returned to the Senate for reconsideration.

E. D. MORGAN.

Mr. Ramsey moved to reconsider the vote on said bill, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate adjourned.

## FRIDAY, APRIL 18, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

The Assembly returned the following entitled bill :

"An act to amend the charter of the Schoharie Kill bridge company, and Laws relating thereto." •

*Ordered*, That the Clerk deliver said bill to the Governor.

The President announced as the committee of conference on the Assembly bill entitled "An act to provide means for the support of government for the fiscal year commencing on the first day of October, 1862," Messrs. Bell, Truman and Murphy.

Mr. Folger, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit :

"An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,' passed April 1, 1858."

"An act to confirm the contract made by the street commissioner of the city of New York with Michael Tracy, for doing certain work in Fifty-sixth street, between Broadway and the Sixth avenue."

"An act to exempt all that part of the city of Albany lying west of Allen street from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district."

"An act to amend an act entitled 'An act to incorporate the society for the relief of poor widows with small children,' passed April 10, 1810."

"An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861."

"An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein."

"An act for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens."

"An act confirming acts of courts of sessions of Cortland county."

"An act to extend the time for the completion of the Lebanon Springs railroad."

"An act to authorize the sale of the property of the Baptist Church, in the village of New Haven, county of Oswego."

Also the following Senate bill :

"An act to amend the charter of the village of Dexter."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

Mr. Hardin, from the committee on cities and villages, to which was re-

ferred the bill entitled "An act to amend the charter of the village of Dexter," with power to report complete, reported the same complete, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to exempt all that part of the city of Albany lying west of Allen street, from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Olean in the county of Cattaraugus, to provide for the election of officers for the same, and to declare said village a separate road district,' passed April 1, 1858," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to confirm the contract made by the street commissioner of the city of New York with Michael Tracy, for doing certain work in Fifty-sixth street, between Broadway and the Sixth avenue," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to authorize the sale of the property of the Baptist Church in the village of New Haven, county of Oswego," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the relief of poor widows with small children,' passed April 10, 1810," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the Assembly bill entitled "An act to exempt St. John's College, in the town of West Farms, county of Westchester, from the school tax," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the Assembly bill entitled "An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Sanford, from the committee on railroads, to which was referred the Assembly bill entitled "An act to extend the time for the completion of the Lebanon Springs railroad," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act to provide means for the support of government, for the supplying of deficiencies under article 7th, section 8d of the Constitution as amended, for the interest and redemption of State indebtedness, for the maintenance of common schools, and to amend the first section of chapter 180 of the Laws of 1856, and to pay the sum apportioned

to be paid by this State of the direct tax levied by act of Congress," reported that the committee have made several amendments thereto, and amended the title by striking out the words:—"for the supplying of deficiencies under article 7, section 3 of the Constitution, as amended, for the interest and redemption of State indebtedness, for the maintenance of common schools, and to amend the first section of chapter 180 of the Laws of 1860," and as amended, recommend its passage.

Mr. Bell moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of moose, wild deer, birds and fresh water fish," reported the same to the Senate, for its consideration.

Mr. Ganson moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,'" reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Cook, from the committee on canals, to which was referred the concurrent resolution of the Assembly in relation to the State dam at Phoenix," reported in favor of the passage of the same, with the following amendment:

Add at the end thereof the following:

"And to prescribe penalties and the manner of enforcing the same against persons violating such regulation; the same penalties and manner of enforcing the same shall apply to the State dam across the Seneca river at Waterloo."

The President put the question whether the Senate would agree to the adoption of said resolution, as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows:



"An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the Sinking Fund under section 3, of article 7 of the Constitution."

Also as correctly engrossed, the following entitled bills:

"An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district.'"

"An act to confirm the acts of Samuel Sizer as commissioner of deeds."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act to amend an act entitled 'An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing Laws in relation thereto,' passed December 14, 1847."

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize Wm. Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Truman moved that the Assembly bill entitled "An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to provide for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act confirming acts of courts of sessions of Cortland county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Cornell moved that the Assembly bill entitled "An act to provide for the reimbursement of certain persons belonging to the militia of this State for clothing and equipments lost or destroyed in the service of the United States," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben."

"An act in relation to the Troy and Cohoes railroad company."

"An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills :

"An act to prevent the adulteration of milk, and prevent the traffic in impure and unwholesome milk."

"An act in relation to the publication of notices by the Contracting Board."

"An act authorizing the appraisal and payment of damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

"An act authorizing the appraisal and payment of canal damages to Amos Kelsey, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

*Ordered*, That the Clerk deliver said bills to the Governor.

The President then announced the special order, being the Assembly bill entitled "An act to provide for the preservation of the public health in the counties of New York, Kings and Richmond, and the waters thereof."

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill. \*

After some time spent therein, the President resumed the chair, and announced that the hour of 12 o'clock having arrived, the Senate would go into executive session.

After some time spent therein, the doors were opened and legislative business resumed.

The Senate then resolved itself into a committee of the whole, and resumed the consideration of the special order, pending at the hour of going into executive session.

After some time spent therein, the President resumed the chair, and Mr. Young, from said committee, reported that they had gone through with the same, and substituted therefor Assembly bill No. 384 as it passed the Assembly, made some progress therein and asked and obtained leave to sit again.

Mr. Bell moved to make said bill the special order for to-morrow at 11 o'clock.

Mr. Truman moved to amend by striking out "eleven" and inserting "twelve."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion as amended, and it was decided in the affirmative.

On motion of Mr. Bell, the Senate took a recess until 7 o'clock.

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### SEVEN O'CLOCK, P. M.

The Senate again met.

Mr. Truman moved to lay the special order, being local bills on the general orders, on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Truman moved that the Senate now go into committee of the whole on claim bills on the general orders.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole, and pro-

ceeded to the consideration of Assembly claim bills on the general orders, entitled as follows :

"An act to authorize the appraisal and payment of canal damages to James Hyde."

"An act for the relief of Joseph H. Godwin."

"An act to provide for the payment of Francis Crawford, as a soldier in the first regiment of New York volunteers in the Mexican war."

After some time spent therein, the President resumed the chair, and Mr. Folger, from said committee, reported in favor of the passage of the two first named bills, with amendments, which report was agreed to and said bills ordered to a third reading.

Mr. Folger, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Folger, from the committee on the judiciary, to which was referred the Assembly amendments to the bill entitled "An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge," reported in favor of concurring therein.

The President put the question whether the Senate would agree to concur, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Folger	Little	Prayn	Smith
Angel	Froer	Low	Ramsey	Tobey
Clark	Ganson	Montgomery	Richards	Truman
Cook	Hutchinson	Munroe	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Bell, from the committee of conference, on the part of the Senate and Assembly, to consider matters of difference between the two Houses, on which the former conference committee failed to agree, on the Assembly bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1862," reports that they have conferred together and agreed upon the following report :

That the item for the support of the blind, shall read as follows :

"For the instruction and maintenance of 150 indigent pupils at the institution for the blind in the city of New York, at a rate not exceeding \$200 per year for each pupil, \$30,000, or a proportionate amount for a shorter period of time and a smaller number of pupils, as shall be duly verified by affidavits of the President and Secretary of that institution."

That the item in relation to the distribution of the \$40,000 for asylums, &c., shall read as follows :

"Forty thousand dollars, which amount shall be apportioned by the Comptroller among the several counties of this State in the rates of or proportion to their aggregate valuation as established by the board of equalization. The dividend to which the several counties are respectively entitled shall be divided between the several asylums in the said several counties in proportion to the number of indigent and orphan children wholly maintained during the preceding year in each of the said asylums. In the case of counties in which there are no such asylums the dividend to which said counties shall be entitled shall be paid to the board of supervisors of such counties to be applied by said board of supervisors to the support and education of orphan and homeless children."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, two-thirds of all the Senators elected voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Murphy	Smith
Angel	Cornell	Little	Pruyn	Tobey
Bell	Folger	Low	Ramsey	Truman
Clark	Freer	Montgomery	Richards	Young
Connolly	Ganson	Munroe	Robertson	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

By unanimous consent, Mr. Tobey moved that the bill entitled "An act to adapt the canals of this State to the defence of the Northern and North-western Lakes," be now read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Ramsey	Tobey
Angel	Cornell	Hutchinson	Richards	Truman
Bell	Folger	Little	Robertson	Woodruff
Bradley	Freer	Murphy	Smith	Young

21

## FOR THE NEGATIVE.

Clark	Low	Montgomery	Pruyn	Sanford
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5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Bell moved that the bill entitled "An act to amend the charter of the village of Dexter," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows .

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Tobey
Angel	Cook	Little	Pruyn	Truman
Bell	Cornell	Low	Richards	Woodruff
Bradley	Folger	Montgomery	Smith	Young
Clark	Ganson	Munroe		

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows :

"An act for the protection of bridges belonging to the State or under its control."

"An act to incorporate the New York Commercial Association."

Also as correctly engrossed :

"An act to amend the charter of the village of Dexter."

Mr. Murphy moved that the bill entitled "An act to authorize the Commissioners of the Land Office to convey the right to erect and maintain a pier off the Battery, in the city of New York," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the general orders, being the bills entitled as follows:

Assembly, "An act to rebuild three locks on the Champlain canal."

"An act to encourage the investment, in small sums, by the people of this State in the stocks of the State."

Assembly, "An act to amend an act entitled 'An act in relation to jurors and to the appointment and the duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858."

After some time spent therein, the President resumed the chair, and Mr. Angel, from said committee, reported in favor of the passage of the first named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Angel, from the same committee, reported in favor of the passage of the second named bill, with amendments, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Angel, from the same committee, reported in favor of the passage of the last named bill, without amendment.

Mr. Murphy moved to recommit said bill to the committee on the judiciary, with instructions to amend by inserting in section 1, the words "county register."

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Bradley Connolly	Cornell Folger	Freer Ganson	Murphy Pruyn	Truman Woodruff	10
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#### FOR THE NEGATIVE.

Abbott	Cook	Little	Richards	Smith	
Angel	Hardin	Montgomery	Robertson	Tobey	
Bell	Hutchinson	Munroe	Sanford	Young	
Clark					16

The President then put the question whether the Senate would agree to report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be read a third time.

Mr. Bell moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bell	Little	Munroe	Richards	Tobey	
Clark	Low	Pruyn	Robertson	Young	
Freer	Montgomery	Ramsey	Smith		14

#### FOR THE NEGATIVE.

Abbott	Cook	Folger	Murphy	Truman	
Bradley	Cornell	Hutchinson	Sanford	Woodruff	10

Thereupon the President announced that the Senate would stand adjourned until to-morrow morning at half-past ten o'clock.

## SATURDAY, APRIL 19, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Rogers.

The journal of yesterday was read and approved.

The Assembly returned the following entitled bills :

"An act for the protection of bridges belonging to the State or under its control."

"An act to incorporate the New York Commercial Association."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Connolly presented a remonstrance of the Chamber of Commerce of the city of New York, against the passage of the Assembly Assessment bill, which was laid on the table.

Mr. Hardin, from the select committee of nine, reported the following entitled Assembly bills as proper to be taken from the general orders and recommitted to the appropriate standing committees, to report complete, to wit:

"An act to constitute the village of Middleport in the towns of Royalton and Hartland and county of Niagara a separate road district."

"An act to reduce the expenses of criminal proceedings in the town and village of Binghamton."

"An act to incorporate the fire department of the village of Batavia."

"An act to prevent fraud in the opening and laying out of streets and avenues in the city of New York."

"An act to authorize school district No. 4, in the town of Greece, to raise money on its bonds for building a school house."

"An act authorizing the transcribing of certain registry lists in the town of Whitestown."

"An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bills be recommitted to the standing committees reporting them, with power to report complete.

By unanimous consent Mr. Robertson moved that the Assembly bill entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Truman moved that the Assembly bill entitled "An act to amend an act to provide for the incorporation and regulation of telegraph companies," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act making appropriation for certain expenses of government," reported in favor of the passage of the same, with amendments.

Mr. Bell moved that said bill be made the special order for this afternoon at 4 o'clock, and that the Senate hold a session for that purpose.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to incorporate the fire department of the village of Batavia," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to constitute the village of Middleport in the towns of Royalton and Hartland and county of Niagara, a separate road district," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to prevent fraud in the opening and laying out of streets and avenues in the city of New York," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Pruyn, from the committee on literature, to which was referred the memorial of the New York Historical Society and of the Albany Institute, relative to collecting and preserving the facts and statistics concerning the part taken by this State in the struggle now pending for the suppression of the rebellion, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 119.)

Mr. Low, from the committee on cities and villages, to which was referred the bill entitled "An act to provide for the construction of railroads in the cities of this State," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act authorizing the transcribing of certain registry lists in the town of Whites-town," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Mount Vernon Savings bank,' passed April 17, 1861," reported

in favor of the passage of the same, and said bill was committed to the committee of the whole.

The Assembly returned the bill entitled "An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk in the county of Herkimer," with a message that they had concurred in the passage of the same, with the following amendments:

Section 6, line 7, strike out "equitably," and insert "equally."

Same section, after the word "Flats," insert the words "so that one-third of all said expenses shall be apportioned to each of said towns, and the amount."

Mr. Hardin moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Hardin	Pruyn	Sanford	
Angel	Clark	Little	Ramsey	Smith	
Bailey	Connolly	Montgomery	Richards	Tobey	
Bell	Ganson	Munroe	Robertson	Young	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

The Assembly bill entitled "An act entitled an act in regard to tolls on the Jordan and Skaneateles plankroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Hardin	Munroe	Robertson	
Angel	Clark	Little	Pruyn	Smith	
Bailey	Connolly	Low	Ramsey	Tobey	
Bell	Ganson	Montgomery	Richards	Young	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Murphy	Smith	
Angel	Cook	Little	Pruyn	Tobey	
Bailey	Cornell	Low	Ramsey	Truman	
Bell	Freer	Montgomery	Robertson	Woodruff	
Bradley	Ganson	Munroe	Sanford	Young	
Clark	Hardin				27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The bill entitled "An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district,'" was read a third time.

The President put the question whether the Senate would agree to the



final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Pruyn	Tobey
Angel	Ganson	Montgomery	Ramsey	Truman
Clark	Hardin	Munroe	Richards	Young
Cook	Hutchinson	Murphy	Sanford	

19

## FOR THE NEGATIVE.

Bradley	Freer	Robertson	Smith	Woodruff
Connolly	Low			

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Smith
Angel	Cornell	Little	Ramsey	Tobey
Bradley	Freer	Montgomery	Richards	Truman
Clark	Ganson	Munroe	Robertson	Woodruff
Connolly	Hardin	Murphy	Sanford	Young

25

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend the Statutes concerning Teachers' Institutes, and otherwise in relation to public instruction," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Tobey
Angel	Cook	Little	Robertson	Woodruff
Bradley	Cornell	Low	Smith	Young
Clark	Freer			

17

## FOR THE NEGATIVE.

Ganson	Hardin	Truman		
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same." was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Ganson	Low	Smith
Bell	Cook	Hardin	Montgomery	Woodruff

Bradley	Cornell	Hutchinson	Pruyn	Young	
Clark	Freer	Little	Robertson		19

## FOR THE NEGATIVE.

Tobey					1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to release the interest of the State in certain lands of which Paul McCloskey died seised or possessed to Ann McCloskey and others," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Smith	
Angel	Cornell	Little	Ramsey	Tobey	
Bradley	Freer	Low	Richards	Truman	
Clark	Ganson	Montgomery	Robertson	Woodruff	
Connolly	Hardin	Munroe	Sanford	Young	25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to incorporate the Moresville turnpike company," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Cook	Montgomery	Ramsey	Tobey	
Angel	Cornell	Munroe	Richards	Truman	
Bradley	Freer	Murphy	Robertson	Woodruff	
Clark	Hardin	Pruyn	Smith	Young	
Connolly	Low				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed November 27, 1855," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Pruyn	Smith	
Angel	Connolly	Hutchinson	Ramsey	Tobey	
Bailey	Cook	Little	Richards	Truman	
Bradley	Freer	Murphy	Robertson	Woodruff	20

## FOR THE NEGATIVE.

Montgomery					1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act to incorporate the

Harlem Stage and Ferry company of the city of New York, passed April 17, 1860." was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Pruyn	Smith
Angel	Connolly	Low	Ramsey	Woodruff
Bailey	Cornell	Murphy	Robertson	Young
Bradley	Freer			

17

FOR THE NEGATIVE.

Ganson	Little	Montgomery	Richards	Tobey
Hardin				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Mount Morris, passed May 2, 1835,' and the several subsequent acts amending the same," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Pruyn	Smith
Angel	Cornell	Low	Ramsey	Tobey
Bailey	Freer	Montgomery	Richards	Truman
Bradley	Hardin	Munroe	Robertson	Woodruff
Clark	Hutchinson	Murphy	Sanford	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the election of a police justice in the town of Milton, Saratoga county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Montgomery	Sanford
Angel	Connolly	Hardin	Munroe	Smith
Bailey	Cook	Hutchinson	Pruyn	Tobey
Bell	Cornell	Little	Richard.	Truman
Bradley	Freer	Low	Robertson	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize the issue of bonds by the president and trustees of the American Guano company of the city of New York, and the execution by them, as security for the same of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Hutchinson	Ramsey	Smith
Angel	Connolly	Little	Richards	Truman
Bailey	Cook	Low	Robertson	Woodruff
Bell	Cornell	Montgomery	Sanford	Young
Bradley	Hardin	Munroe		

23

Mr. Murphy moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bradley	Cornell	Ganson	Montgomery	Smith
Connolly	Freer	Hutchinson	Murphy	Woodruff

10

## FOR THE NEGATIVE.

Abbott	Clark	Little	Richards	Tobey
Angel	Cook	Low	Robertson	Truman
Bailey	Hardin	Ramsey	Sanford	Young
Bell				

16

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to James Hyde," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Bradley	Cornell	Pruyn	Smith
Angel	Clark	Hutchinson	Robertson	Truman
Bailey	Connolly	Little	Sanford	Young
Bell	Cook	Munroe		

18

## FOR THE NEGATIVE.

Low	Montgomery
-----	------------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the payment of Francis Crawford, as a soldier in the first regiment of New York Volunteers in the Mexican war," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE

Abbott	Cornell	Low	Robertson	Tobey
Angel	Freer	Montgomery	Sanford	Truman
Bailey	Ganson	Pruyn	Smith	Woodruff
Bell	Little			

17

## FOR THE NEGATIVE.

Cook	Hardin	Hutchinson
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the relief of Joseph H. Godwin," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Munroe	Richards	Smith
Bailey	Freer	Pruyn	Robertson	Truman
Bradley	Ganson	Ramsey	Sanford	Young
Connolly				

16

FOR THE NEGATIVE.

Bell	Little	Montgomery	Tobey	Woodruff
Cornell	Low			

7

Mr. Robertson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to re-incorporate the Rockbottom bridge company of the village of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Ramsey	Smith
Bailey	Cornell	Low	Richards	Truman
Clark	Ganson	Munroe	Robertson	Young
Connolly	Hardin	Pruyn	Sanford	

19

FOR THE NEGATIVE.

Freer

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Robertson moved to take from the table the motion to reconsider the vote on the bill entitled "An act for the relief of Joseph H. Godwin."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Pruyn	Smith
Bailey	Cornell	Hutchinson	Richards	Tobey
Bradley	Freer	Munroe	Robertson	Truman
Connolly	Ganson	Murphy	Sanford	Young

20

FOR THE NEGATIVE.

Clark

1

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Robertson	Truman
Bradley	Cornell	Hutchinson	Sanford	Woodruff
Clark	Freer	Pruyn	Smith	Young
Connolly	Ganson	Richards		

18

## FOR THE NEGATIVE.

Low                      Montgomery                      Tobey                      3

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to rebuild three locks on the Champlain canal," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Montgomery	Robertson	Truman
Bailey	Ganson	Munroe	Sanford	Woodruff
Clark	Hutchinson	Pruyn	Smith	Young
Connolly	Little	Richards	Tobey	

19

## FOR THE NEGATIVE.

Low                      1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to regulate the fees of associate justices of the peace in criminal causes and in cases of bastardy," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Pruyn	Smith
Bailey	Cook	Low	Richards	Truman
Bell	Ganson	Montgomery	Robertson	Woodruff
Bradley	Hardin	Munroe	Sanford	Young
Clark	Hutchinson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Truman moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river,' and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Sanford
Bailey	Cook	Little	Ramsey	Truman
Bell	Ganson	Montgomery	Richards	Woodruff
Bradley	Hardin	Munroe	Robertson	Young

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to amend an act to incorporate the village of Panama, passed March 21, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Cook	Hutchinson	Pruyn	Smith
Bailey	Cornell	Little	Richards	Truman
Bell	Ganson	Montgomery	Robertson	Woodruff
Bradley	Hardin	Munroe	Sanford	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for a night police in the village of Canandaigua," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Cook	Hutchinson	Ramsey	Smith
Bailey	Cornell	Little	Richards	Truman
Bell	Freer	Munroe	Robertson	Woodruff
Bradley	Ganson	Pruyn	Sanford	Young
Connolly	Hardin			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The bill entitled "An act to amend an act entitled 'An act for the better regulation of the County and State prisons of this State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

**FOR THE AFFIRMATIVE.**

Abbott	Bradley	Hardin	Munroe	Truman
Angel	Connolly	Hutchinson	Pruyn	Woodruff
Bailey	Cook	Little	Robertson	Young
Bell	Cornell	Montgomery	Smith	

19

**FOR THE NEGATIVE.**

Ganson      Tobey

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly bill entitled "An act to legalize the tax levied by the board of trustees of the village of Olean for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Montgomery	Smith
Angel	Cook	Hardin	Munroe	Truman
Bailey	Cornell	Hutchinson	Pruyn	Woodruff
Bradley	Freer	Little	Robertson	Young
Clark				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York for the service of the United States," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Pruyn	Sanford
Angel	Cook	Montgomery	Ramsey	Tobey
Bailey	Cornell	Munroe	Richards	Woodruff
Clark	Ganson	Murphy	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Pruyn	Sanford
Angel	Cook	Little	Ramsey	Smith
Bailey	Folger	Montgomery	Richards	Woodruff
Bradley	Ganson	Munroe	Robertson	Young
Clark	Hardin			

22

## FOR THE NEGATIVE.

Tobey	Truman
-------	--------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to exempt all that part of the city of Albany lying west of Allen street from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Robertson
Angel	Cook	Hardin	Pruyn	Sanford



## FOUR O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the following entitled bills :

"An act to amend chapter 13, of part first of the Revised Statutes, in relation to assessments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Murty McCarty and Jeremiah McCarty," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act supplemental and amendatory of chap. 19 of the Laws of 1821," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend article 2, of title 5, of chapter 6, of part 3 of the Revised Statutes, entitled 'Of executions against property,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the consolidation of banking associations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to incorporate the Island City Fire Engine company of Long Island city, in Queens county, Long Island," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act authorizing the commissioners of highways of the town of Watervliet, in the county of Albany, to lay out and open a certain highway in the said town, of the width of two rods," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act in relation to lands sold for arrears of taxes in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs of towns and counties.

"An act to authorize the appraisal and payment of canal damages to Henry W. Palmer, Daniel F. Heath, Abram Peck, Sackett L. Husted, Lewis Husted and Richard J. Store," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to authorize extraordinary repairs on the Chemung canal and feeder and Crooked Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act in relation to the boundary line between the town of Geddes and the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act for the relief of Jacob Roth," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

"An act to incorporate the West Farms Mutual Insurance company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act to incorporate the New York Warehouse and Security company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to declare the village of Groton, in the county of Tompkins, a separate road district, and to provide for raising money by tax therein for highways, and to compel owners or occupants of property therein to repair sidewalks and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act to sell and divide the property of the First Congregational Society of Groton, excepting the burying ground," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act providing for the appointment of an additional number of notaries public in the city and county of New York."

"An act to authorize the supervisors of Orleans county to raise money for the support of volunteers."

"An act to declare the cases in which the office of judge of Lewis county shall be vacant."

"An act to authorize the Canal Commissioners to build a farm bridge over the Genesee Valley canal on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany."

"An act in relation to the acknowledgment or proof of the execution of instruments of writing by persons out of this State."

"An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to the addition of cash capital to existing funds of the Orient Mutual Insurance company."

"An act for the relief of the Brooklyn, Bath and Coney Island railroad company."

"An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act making appropriations for certain expenses of government."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress, and asked and obtained leave to sit again.

Mr. Bailey moved that said bill be made a special order for Monday at 9 o'clock A. M., and that the Senate meet at that hour on that day.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to provide for the consolidation of Banking Associations," reported in favor of the passage of the same.

On motion of Mr. Munroe and by unanimous consent, the rules were suspended and said bill was recommitted to the committee on banks to report complete, two-thirds of all the Senators present voting in favor thereof.

The Assembly returned the bill entitled "An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca

canal at Evans street, in the village of Geneva," with a message that they had concurred in the passage of the same, with the following amendment:

Section 1, line 2, strike out the words "and required," and insert in lieu thereof the following: "in their discretion."

Mr. Folger moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Angel	Clark	Ganson	Munroe	Sanford
Bailey	Connolly	Hardin	Pruyn	Smith
Bell	Cook	Hutchinson	Ramsey	Tobey
Bradley	Folger	Montgomery	Robertson	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same:

"An act to amend chapter 374 of the Laws of 1852, entitled 'An act in relation to the Supreme Court of the first judicial district.'"

The Assembly returned the following entitled bills:

"An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer."

"An act to alter the term for which criminals may be sentenced to State prison, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge."

*Ordered*, that the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act defining and regulating the powers, duties and compensation of the Captain of the Port and Harbormasters of the Port of New York," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

Section 1. The Governor shall appoint by and with the consent of the Senate, an officer to be called captain of the port of New York, and to assist him, subordinate to his directions, eleven harbor masters. All of said harbor masters shall reside, after their appointment and during their term of office in the city of New York or in the city of Brooklyn. Said captain of the port or any of the harbor masters shall not be directly or indirectly interested as owners or agents in any steam tow boat, tug boat, ship, vessel, canal boat, barge or lighter, navigating the port of New York. Said harbor masters shall hold their office two years, and said captain of the port shall hold his office three years, and until others are appointed, unless sooner removed for cause. Before entering on his duties, said captain of the port shall execute a bond to the people of this State in the penal sum of ten thousand dollars, with at least two sufficient sureties, to be approved by a justice of the supreme court, conditioned for the faithful performance of the duties of his office, and the proper application of all fees and moneys that may come into his hands as such officer; and each of said harbor masters shall execute a like bond in the penal sum of two thousand five hundred dollars, conditioned for the faithful performance of the duties of his office; said bonds shall be filed in the office of the clerk of the county of New York.

§ 2. It shall be the duty of and the captain of the port shall have power to divide the port of New York into eleven districts, specifying the limits and boundaries thereof, and he may, whenever the exigencies of business demand, re-district the said port, or alter any such districts. To each of

such districts he shall have power to assign a harbor master to perform the duties thereof, (and may change such harbor master from one district to another,) or put two or more districts under the care of one harbor master, as the exigencies of business may require.

§ 3. The said captain of the port shall set apart, keep, and reserve all that part of the water adjacent to the wharves of the city of New York, from the east side of pier number two to and including the east side of pier number nine East river, from the twentieth day of March to the first day of January in each year, for the exclusive use and accommodation of canal boats and barges, engaged in the business of transporting property on the Hudson river or coming to tide water from the canals of the State, or arriving in said port from Albany or any place north or west thereof, and he shall assign such other accommodations for said canal boats and barges in other parts of the port of New York as may from time to time be necessary in receiving and discharging their cargoes.

§ 4. No vessel, other than canal boats, barges, or lighters receiving or delivering property from or to said canal boats or barges, shall use, or enter into for the purpose of using, any part of the port of New York set apart for the use of the canal boats and barges, without the written consent of the captain of the port first had and obtained therefor, and then only between the first day of January and twentieth day of March in each year, and when not occupied by canal boats, under a penalty of one hundred dollars for every day that such vessel shall remain in said part of said port so set apart, after being notified to leave by the captain of the port or a harbor master, and said penalty shall be a lien upon any such vessel, and be enforced by proceedings against, instituted by and in the name of the captain of said port, according to the provisions of the laws of this State concerning attachments against vessels.

§ 5. It shall be the duty of the captain of said port to collect and receive all fees hereafter provided for the services of harbor masters, and on the first Monday of each month to make out an account and duly verify the same on oath, of all moneys which have become due for fees and have been collected and uncollected, and such account shall be open to the inspection of said harbor masters at all times, and the money received shall be divided equally between each of said harbor masters and himself, share and share alike, after deducting such office and legal expenses as may have been necessarily expended in the discharge of his duties as captain of the port; provided, however, that such office and legal expenses shall not exceed, in any one month, the sum of one hundred and fifty dollars.

§ 6. The following fees shall be collected under this act and no others: All ships or vessels of the United States of more than one hundred and fifty tons burthen, except canal boats, lighters, tugs, barges, sound and river steamboats employed on regular lines, and all ships or vessels of any foreign nation that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, which shall enter the said port of New York, or load or unload, or make fast to any wharf therein, shall pay one and one-half of one cent per ton, to be computed from the tonnage expressed in the registers or enrolments of such ships or vessels respectively. All other foreign ships or vessels which shall arrive at and enter the said port, and load or unload, or make fast to any wharf therein, shall pay three cents per ton, to be computed on the tonnage expressed in the registers or the documents on board, except that all coastwise sloops and schooners over one hundred and fifty tons shall pay two dollars fee, and no more. And where difficulties arise between vessels of less than one hundred and fifty tons burthen, and the captain of the port or a harbor mas-

ter is called upon to settle the same, the vessel, canal boat or barge, in fault shall pay five dollars. Such fees shall be paid by the masters, owners, or consignees of such ships or vessels at the office of the captain of the port, or to persons authorized by him to collect the same, within forty-eight hours after the arrival of such ship or vessel, and in default thereof, if the same shall have been first duly demanded, such master, owner, or consignee, on whom such demand shall have been previously made, shall pay double the amount of such fees, to be sued for and recovered in the name of the captain of said port, in any court having cognizance thereof. All fees under this act shall be paid to the captain of the port, or upon his written order, and he shall have power to employ the necessary assistance in making collections thereof, at an expense of not more than five per cent upon the amount collected, which expense shall not be considered office expense.

§ 7. Each harbor master shall have power, within the district assigned to him, to provide and assign suitable accommodations for all ships and vessels, and regulate them in the stations they are to occupy at the wharves or in the streams, and to remove from time to time such vessels as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and shall have power to determine as to the fact of their being fairly and in good faith employed in receiving or discharging their cargoes, and shall have authority to determine how far and in what instance, it is the duty of the master and others having charge of ships and vessels to accommodate each other in their respective situations. And if any master or any person having charge of any vessel, canal boat, barge or lighter, shall refuse or neglect to move his vessel, canal boat, barge or lighter, when ordered to do so by the captain of the port, or by a harbor master, or shall resist or forcibly oppose said officers in the discharge of their duties, such master or person so refusing, neglecting, resisting or opposing shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit by and in the name of the captain of the port, before any court having cognizance thereof.

§ 8. Each of said harbor masters shall remain in and perform the duties of the district or districts assigned to him by the captain of the port, and shall not absent himself from the cities of New York or Brooklyn without the written permission of the captain of the port. He shall not appoint any deputy or assistant, or delegate the powers of his office to any person or persons whatsoever. He shall not collect any fees under this act, unless authorized to do so by the captain of the port; he shall not take or receive directly or indirectly any money or valuable thing or compensation for his services, or on account of the exercise of his powers of office, except as provided by this act. Any harbor master violating any of the provisions of this section shall, upon conviction thereof in any court of record, be punished by a fine of five hundred dollars, and in addition thereto may, in the discretion of the court, be imprisoned in the county jail for a term not exceeding thirty days.

§ 9. Any person who shall falsely represent himself to be a harbor master, or wrongfully perform the duties of harbor master, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the county jail for a term not exceeding sixty days, and fined, in the discretion of the court, a sum not exceeding twenty-five dollars.

§ 10. It shall be the duty of the captain of the port to hear any complaint against any harbor master for improperly attending to or discharging the duties of his office, and his defence thereto. He shall examine into such complaint and defence, and have authority to administer oaths upon such

examinations, and if, after such examinations, there shall, in his judgment, be sufficient ground therefor, he shall send said complaint, with the evidence in the matter, to the Governor of the State, within ten days from the receipt of such complaint by the captain of the port, and until the decision of the matter by the Governor, he may suspend such harbor master from the exercise of the duties of his office, and during the period of such suspension such harbor master shall not receive or be entitled to any pay, if he be adjudged guilty of the offence charged.

§ 11. If the captain of the port shall charge, or receive, or bargain to take or receive, directly or indirectly, any fees greater than those allowed by this act, or shall receive or agree to receive any money or valuable thing, or compensation whatever, as a present or gratuity for the exercise of his official judgment or discretion, or shall refuse to divide with the harbor masters the moneys received by him as aforesaid for each and every refusal, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined five hundred dollars and imprisoned for the term of one month in the county jail.

§ 12. All fines and penalties collected under this act, shall be for and applied to the use of the New York hospital.

§ 13. The captain of the port shall report to the Governor of the State, under oath, the whole amount of fees received under this act, each year, to the thirty-first of December, and such report shall be made within ten days from such thirty-first of December.

§ 14. The terms of office of the present captain of the port and harbor masters shall continue during the terms for which they were appointed, unless they shall be removed for cause, according to the provisions of this act, and the present captain of the port and harbor masters shall be governed by and be subject to this act.

§ 15. It shall be the duty of the captain of the port or a harbor master whenever required by the captain, owner, or consignee of any vessel, or any person having charge of any vessel, to show a copy of this act to such captain, owner, or consignee, and no person shall be fined for a violation of this act until that has been done.

§ 16. The Governor shall have power to remove the said captain of the port, or any of said harbor masters, from office for any malfeasance of office or wilful neglect of the duties thereof.

§ 17. All acts heretofore existing relating to the captain of the port, or to harbor masters of the port of New York, are hereby repealed, but nothing contained in this act shall be construed to change, alter or repeal, or in any way interfere with an act passed April fifteenth, eighteen hundred and fifty-eight, entitled "An act to regulate the use of wharves and slips in the city of New York, which shall be leased to certain steam boat lines." Nor shall steamboats employed in river or sound navigation, or steamboats occupying their own wharves or wharves and slips leased under said act be liable to the payment of fees under section six or any other section of this act.

§ 18. This act shall take effect immediately.

Mr. Munroe moved that said bill be referred to the committee on commerce and navigation.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly returned the bill entitled "An act dividing the State into Congressional districts," with a message that they had concurred in the passage of the same, with the following amendments :

Strike out all after the enacting clause, and insert in lieu thereof the following :

Section 1. The counties of Suffolk, Queens and Richmond, and the towns of Flatbush, Flatlands, Gravesend, New Lots and New Utrecht, in the county of Kings, shall compose the first district.

The sixth, eighth, ninth, tenth, twelfth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Brooklyn, in the county of Kings, shall compose the second district.

The first, second, third, fourth, fifth, seventh, eleventh, thirteenth, fifteenth and nineteenth wards in the city of Brooklyn, in the county of Kings, shall form the third district.

The first, second, third, fourth, fifth, sixth, eighth and fourteenth wards of the city of New York, inclusive of Governor's, Ellis and Bedloe's islands, in the county of New York, shall compose the fourth district.

The seventh, tenth, eleventh and thirteenth wards of the city of New York, in the county of New York, shall compose the fifth district.

The ninth, fifteenth and sixteenth wards of the city of New York, in the county of New York, shall compose the sixth district.

The seventeenth and eighteenth wards of the city of New York, in the county of New York, shall compose the seventh district.

The twentieth and twenty-first wards of the city of New York, in the county of New York, shall compose the eighth district.

The twelfth, nineteenth and twenty-second wards in the city of New York, inclusive of Ward's, Blackwell's and Randall's islands, in the county of New York, shall compose the ninth district.

The counties of Westchester, Rockland and Putnam, shall compose the tenth district.

The counties of Orange and Dutchess shall compose the eleventh district.

The counties of Ulster and Greene shall compose the twelfth district.

The counties of Albany and Schenectady shall compose the thirteenth district.

The counties of Columbia and Rensselaer shall compose the fourteenth district.

The counties of Washington, Saratoga and Montgomery shall compose the fifteenth district.

The counties of Warren, Essex, Clinton, Fulton and Hamilton shall compose the sixteenth district.

The counties of Franklin and St. Lawrence shall compose the seventeenth district.

The counties of Jefferson, Herkimer and Lewis shall compose the eighteenth district.

The county of Oneida shall compose the nineteenth district.

The counties of Sullivan, Delaware and Broome shall compose the twentieth district.

The counties of Chenango, Otsego and Schoharie shall compose the twenty-first district.

The counties of Onondaga and Cortland shall compose the twenty-second district.

The counties of Madison and Oswego shall compose the twenty-third district.

The counties of Cayuga, Wayne and Seneca shall compose the twenty-fourth district.

The counties of Ontario, Livingston and Yates shall compose the twenty-fifth district.

The counties of Tioga, Tompkins, Chemung and Schuyler shall compose the twenty-sixth district.

The counties of Steuben and Allegany shall compose the twenty-seventh district.

The counties of Monroe and Orleans shall compose the twenty-eighth district.

The counties of Genesee, Niagara and Wyoming shall compose the twenty-ninth district.

The county of Erie shall compose the thirtieth district.

The counties of Chautauqua and Cattaraugus shall compose the thirty-first district.

Mr. Folger moved that the Senate non-concur in said amendments, and ask for a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message that the Senate non-concur, and ask for a committee of conference.

The Assembly returned the resolution in relation to the Phoenix dam, with a message that they had concurred in the amendment of the Senate thereto.

*Ordered*, That the Clerk return said resolution to the Assembly.

The Assembly returned the bill entitled "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company,'" with a message that they had concurred in the passage of the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

Section 1. The third section of the act entitled "An act to amend the charter of the Long Island railroad company, passed April 29, 1839," is hereby amended so as to read as follows:

§ 3. The said corporation are hereby authorized to construct such branch railroad in any part of Long Island except the county of Kings, as they may deem expedient and necessary, subject to the provisions of the general railroad law, provided that no such branch railroad be constructed west of the eastern boundary of the village of Jamaica.

§ 3. This act shall take effect immediately.

Mr. Smith moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Clark	Hardin	Ramsey	Tobey
Bailey	Connolly	Montgomery	Robertson	Truman
Bell	Cook	Munroe	Sanford	Young
Bradley	Folger	Pruyn	Smith	

19

#### FOR THE NEGATIVE.

Ganson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Robertson moved that the order of business of third reading of bills be laid on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Robertson moved that the Senate go into executive session on Monday, at half-past 12 o'clock.

Mr. Smith moved to amend by striking out "Monday," and inserting "Tuesday."

Mr. Robertson moved to amend so as to go into executive session on Monday at 1 o'clock.

The President put the question whether the Senate would agree to said amendment of Mr. Robertson, and it was decided in the affirmative.



The President then put the question whether the Senate would agree to said motion as amended, and it was decided in the affirmative.

By unanimous consent, Mr. Pruyn offered the following resolution :

*Resolved*, That the Senate do cordially concur in the views of the Commissioners of the Canal Fund, contained in their late report to the Senate, affirming it to be the duty of the State to pay the principal and interest of the State debt in coin or its equivalent.

*Resolved*, That 3,000 extra copies of the report of the Commissioners be printed for the use of the Senate.

Mr. Cook moved to refer said resolutions to the committee on canals.

Mr. Young moved that the Senate adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President thereupon announced that the Senate would stand adjourned until Monday morning at 9 o'clock.

## MONDAY, APRIL 21, 1862.

The Senate met pursuant to adjournment.

No clergyman present.

The journal of Saturday was read and approved.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows :

"An act making appropriations for certain expenses of government."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported in favor of the passage of said bill, with amendments, which report was agreed to and said bill ordered to a third reading.

Mr. Bell moved that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

### FOR THE AFFIRMATIVE.

Abbott	Cook	Little	Pruyn	Smith
Angel	Cornell	Low	Ramsey	Tobey
Bailey	Farrar	Montgomery	Richards	Truman
Bell	Folger	Munroe	Robertson	Woodruff
Bradley	Freer	Murphy	Sanford	Young
Connolly				

26

### FOR THE NEGATIVE.

Ganson      Hutchinson

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The President announced as the committee of conference, on the part of the Senate, on the bill entitled "An act dividing the State into Congressional districts," Messrs. Folger, Bradley and Bailey.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

The Assembly returned the bill entitled "An act dividing the State into Congressional districts," with a message that they consented to a committee of conference, and had appointed on their part as such committee, Messrs. Seymour, D. Waterbury, Pierce, Andrus and Benedict.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to release the interest of the State in certain lands of which Paul McCloskey died seized or possessed to Ann McCloskey and others."

"An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York or received therefrom for the service of the United States."

"An act to provide for the election of a police justice in the town of Milton, Saratoga county."

"An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester."

"An act to authorize the issue of bonds by the president and trustees of the American Guano company, of the city of New York, and the execution by them, as security for the same, of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean."

"An act for the relief of Joseph H. Godwin."

"An act to provide for the adjustment and payment of certain arrearages due the State from prison contracts."

"An act to amend an act entitled 'An act to incorporate the village of Olean in the county of Cattaraugus, to provide for the election of officers for the same, and to declare said village a separate road district,' passed April 1, 1858."

"An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bills:

"An act to authorize and require the Canal Commissioners to build a bridge over the Cayuga and Seneca canal at Evans street, in the village of Geneva."

"An act to amend chapter 277 of the Laws of 1839, entitled "An act to amend the charter of the Long Island railroad company."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the bill entitled "An act making appropriations for the support of government for the fiscal year commencing on the first day of October, 1862," with a message that they had agreed to the report of the committee of conference.

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act to confirm the acts of Samuel Sizer as commissioner of deeds."

"An act to amend the charter of the village of Dexter."

"An act to facilitate the closing up of insolvent and dissolved Mutual Insurance companies."

"An act to amend section 36 of title first, chapter fifth, part third of the Revised Statutes."

"An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to provide for the consolidation of banking associations," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly amendments to the bill entitled "An act defining and regulating the powers, duties and compensation of the captain of the port and harbor masters of the port of New York," reported in favor of concurring in said amendments.

The President put the question whether the Senate would agree to concur in said amendments, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cornell	Little	Ramsey	Smith
Bell	Folger	Low	Richards	Tobey
Bradley	Freer	Montgomery	Robertson	Truman
Connolly	Hardin	Munroe	Sanford	Young
Cook	Hutchinson			

22

#### FOR THE NEGATIVE.

Ganson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Smith moved that when the Senate adjourn it be until 4 o'clock this afternoon.

Mr. Robertson moved to amend by striking out "four" and inserting "seven."

The President put the question whether the Senate would agree to said motion of Mr. Robertson, and it was decided in the affirmative.

On motion of Mr. Smith, the Senate took a recess until 7 o'clock.

### SEVEN O'CLOCK, P. M.

The Senate again met.

The Assembly sent for concurrence the following entitled bills:

"An act in relation to the courts in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to close Observatory place in the city of New York, and to alter or amend the map or plan of the city of New York in relation thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

"An act for the appointment of overseers of highways in the town of Schoharie, Schoharie county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Ramsey and by unanimous consent, the rules were suspended and said bill was referred to the committee on roads and bridges, to report complete.

"An act to exempt firemen from highway labor in the village of Valatie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

The Assembly returned the bill entitled "An act to confirm and legalize certain acts of the common council of the city of New York," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out sections 2 and 3 of the engrossed bill, and insert in lieu thereof the following :

" § 2. The official acts of the comptroller of the city of New York, or of the street department, done and performed under said contract, shall be held valid and of full force and effect, and the said comptroller is hereby authorized and directed to settle with John Pettigrew for all the work done or to be done by said Pettigrew in pursuance of said contract, which is hereby declared valid.

" § 3. For the purpose of reimbursing the mayor, aldermen and commonalty of the city of New York for the moneys paid and to be paid under the provisions of this act, they are hereby authorized and empowered to levy and collect an assessment upon the property benefited thereby, in the manner now provided by law."

Mr. Cornell moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Low	Ramsey	Smith
Bailey	Farrar	Munroe	Richards	Truman
Bell	Freer	Murphy	Robertson	Woodruff
Clark	Little	Pruyn	Sanford	

19

#### FOR THE NEGATIVE.

Ganson	Montgomery
--------	------------

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Watervliet, in the county of Albany, to lay out and open a highway in said town, two rods wide," reported in favor of the passage of the same.

On motion of Mr. Pruyn and by unanimous consent, the rules were suspended and said bill was recommitted to the committee on roads and bridged, to report complete, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to incorporate the American Shipmasters' Association," reported in favor of the passage of the same.

On motion of Mr. Ganson and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Montgomery	Ramsey	Smith
Bell	Freer	Munroe	Richards	Tobey
Clark	Ganson	Murphy	Robertson	Truman
Connolly	Little	Pruyn	Sanford	Woodruff
Cook	Low			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Low moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled

"An act in relation to the boards of health in Orange and Chautauqua counties," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Pruyn	Sanford
Angel	Freer	Montgomery	Ramsey	Smith
Bell	Ganson	Munroe	Richards	Truman
Clark	Hutchinson	Murphy	Robertson	Woodruff
Cook	Little			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Ganson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo, and to enlarge its boundaries, passed April 13, 1853,' and the several acts amendatory thereof," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Murphy	Robertson
Angel	Freer	Low	Pruyn	Sanford
Bell	Ganson	Montgomery	Ramsey	Smith
Clark	Hutchinson	Munroe	Richards	Woodruff
Cook				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Bell, from the committee on finance, to which was referred the Assembly bill entitled "An act to incorporate the New York Warehouse and Security company," reported the same for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to lands sold for arrears of taxes in the county of Westchester," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act to incorporate the Island City Fire Engine company of Long Island city, in Queens county, Long Island," reported in favor of

the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins," reported in favor of the passage of the same, with amendments.

On motion of Mr. Truman and by unanimous consent, the rules were suspended, and said bill was recommitted to the committee on internal affairs of towns and counties, to report complete, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Angel, from the committee on railroads, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2d, 1850," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act authorizing the appraisal and payment of canal damages to Charles B. Bingham, Salmon Butts, Jonas B. Huxley, and Amanda Sampson," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the Canal Appraisers to examine the claim of Daniel A. Shaw," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Elisha Mors and George S. Weaver," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Jacob Roth," reported the same, with amendments, for the consideration of the Senate, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act to authorize the appraisal and payment of canal damages to Henry W. Palmer, Daniel F. Heath, Abram Peck, Sackett L. Husted, Lewis Husted and Richard J. Storms," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Truman, from the committee on claims, to which was referred the Assembly bill entitled "An act for the relief of Murty McCarty and Jeremiah McCarty," reported in favor of the passage of the same.

Mr. Hutchinson moved that said bill be referred to the first committee of the whole, not full.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Cook, from the committee on canals, to which was referred the Assembly bill entitled "An act to authorize extraordinary repairs on the Chemung canal and feeder, and Crooked Lake canal," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Robertson moved that the committee of the whole be discharged from the further consideration of the Assembly bill

entitled "An act to amend an act entitled 'An act to incorporate the Mount Vernon Savings bank,' passed April 17, 1861," and that the same be re-committed to the committee on banks, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act authorizing the commissioners of highways of the town of Watervliet, in Albany county, to lay out and open a certain highway in said town, two rods wide," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Clark, from the committee on roads and bridges, to which was referred the Assembly bill entitled "An act for the appointment of overseers of highways in the town of Schoharie, Schoharie county," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Low, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to declare the village of Groton, in the county of Tompkins, a separate road district, and to provide for raising money by tax therein for highways, and to compel owners or occupants of property therein to repair sidewalks and for other purposes," reported in favor of the passage of the same.

On motion of Mr. Truman and by unanimous consent, the rules were suspended, and said bill was re-committed to the committee on cities and villages, to report complete, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to sell and divide the property of the First Congregational Society of Groton, excepting the burying ground," reported in favor of the passage of the same, with an amendment.

On motion of Mr. Truman and by unanimous consent, the rules were suspended, and said bill was re-committed to the committee on charitable and religious societies, to report complete, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bills entitled as follows:

"An act to adapt the canals of this State to the defence of the Northern and Northwestern Lakes."

"An act to alter the term for which criminals may be sentenced to State prisons, and to provide for their earning a commutation of sentence, and an increase of the amount to be paid them on their discharge."

"An act to provide for the reconstruction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk in the county of Herkimer."

"An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company.'"

"An act to release the interest of the people of the State of New York in certain lands, to Charles G. Gere."

Also as correctly engrossed:

"An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river,' passed April 13, 1858."

"An act to encourage the investment, in small sums, by the people of this State in the stocks of the State."

By unanimous consent, Mr. Murphy moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulk-heads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," and that the same be recommitted to the committee on commerce and navigation, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Smith moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," and that the same be ordered to a third reading.

The President put the question whether the Senate would agree to said motion and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Sanford moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857," and that the same be recommitted to the committee on commerce and navigation, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Tobey, from the committee on charitable and religious societies, to which was referred the Assembly bill entitled "An act to sell and divide the property of the First Congregational Society of Groton, excepting the burying ground," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Truman and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Pruyn	Smith
Angel	Freer	Montgomery	Richards	Tobey
Bell	Ganson	Munroe	Robertson	Truman
Connolly	Hutchinson	Murphy	Sanford	Woodruff
Cook	Little			

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Low, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to declare the village of Groton in the county of Tompkins, a separate road district, and to provide for raising money by tax therein for highways, and to com-



pel owners or occupants of property therein to repair side walks and for other purposes," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Tobey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to establish a tribunal of conciliation in the 6th judicial district," and that the same be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Little moved that the Assembly bill entitled "An act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence," be read a third time.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Clerk was proceeding to the third reading of said bill, when Mr. Pruyn moved to recommit, with instructions to amend by striking out the name of "National Guard" and inserting the provisions of the Assembly bill in relation to military education in higher institutions of learning.

Mr. Little called for a division of the question.

The President put the question whether the Senate would agree to so much of said motion as relates to National Guard, and it was decided in the negative.

The President then put the question whether the Senate would agree to so much of said motion as relates to military education, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Little	Ramsey	Smith
Angel	Cook	Low	Richards	Tobey
Bell	Cornell	Montgomery	Robertson	Truman
Bradley	Ganson	Munroe	Sanford	Woodruff
Clark	Hutchinson	Murphy		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

On motion of Mr. Murphy, and by unanimous consent—

*Resolved*, That the thanks of the Senate are due and are hereby tendered to the Hon. Robert Campbell, for the able, courteous and impartial manner in which he has discharged the duties of presiding officer of this body.

By unanimous consent, Mr. Cornell, from the select committee consisting of the Senators from New York, to which was referred the Assembly bill entitled "An act to enable the supervisors of the county of New York

to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation," reported in favor of the passage of the same, with amendments, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Tobey, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to establish a tribunal of conciliation in the 6th judicial district," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Tobey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hutchinson	Munroe	Smith
Angel	Cook	Little	Murphy	Tobey
Bell	Freer	Low	Ramsey	Truman
Bradley	Ganson	Montgomery	Sanford	Woodruff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

A message from the Assembly was received and read, in the words following, to wit:

IN ASSEMBLY, *April 22, 1862.*

The Assembly concur in the following amendments of the Senate to the Assembly bill entitled "An act making appropriations for certain expenses of government."

Page 2, line 17, after the word "dollars" insert:

"For deficiency in the appropriation for the refunding of surplus moneys arising from the sale of lands sold by the State Engineer and Surveyor for arrears of interest, five hundred dollars."

Same page, line 20, after the word "notices" insert "and for printing the report of the Commissioners of the Code."

Same page, line 28, strike out "three" and insert "six."

Same page, line 37, after the word "dollars" insert a new paragraph, the following:

"To Newell M. Case, for extra services as messenger in the department of the Adjutant General, during the months of April, May, June, July, 1861, sixty dollars."

Page 3, line 4, after the word "dollar" insert a new paragraph, the following:

"To John N. Parker, for services rendered and materials furnished in enclosing and repairing Barracks in the city of Albany, and also at the Arsenal and Military Storehouse, and for the departments of the Adjutant General, Inspector General, Surgeon General, and Quartermaster General, one thousand seven hundred and fifty-two dollars and eighteen cents.

"To George F. Nesbitt and company, for military blanks, circulars and stationery, furnished to the department of the Commissary General, three hundred and eighty-six dollars and twenty-six cents.

"To Frank H. Little, for stationery furnished to the office of the Surgeon General, twenty-one dollars and seventy-seven cents.

"For the personal expenses incurred by volunteer surgeons, when called

by the Surgeon General into service, one thousand dollars, or so much of that amount as may be necessary.

"To the Surgeon General, for postage of official letters, seventy-five dollars."

Same page, strike out lines 5, 6 and 7.

Same page, line 34, after the word "cents" insert "payable from the Canal Fund."

Same page, line 38, after the word "dollars" insert "payable from the Canal Fund."

Same page, line 41, after the word "dollars" insert "payable from the fund for repairs of the Genesee Valley canal."

Insert a new paragraph at the end of page 3, the following :

"For Royal Chamberlain, in full for services rendered as Insurance clerk in the Comptroller's office, from the 1st day of January, 1860, till the 15th day of that month, one hundred and fifty dollars, or such portion of that amount as the Comptroller shall find to be justly due for such services.

"For painting the Geological hall, three hundred dollars."

Page 4, line 4, after word "dollars" insert :

"To the Superintendent of Public Instruction, for subscriptions to the New York Teacher, for gratuitous circulation to school officers and inexperienced teachers, one thousand dollars."

Page 5, strike out lines 24, 25, 26 and 27, and insert in lieu thereof the following :

"To the Society for the Reformation of Juvenile delinquents, to pay the debt incurred in completing their buildings on Randall's Island, and to enable them to erect additional dormitories in the Boys' house, and to render fire proof those apartments already built, twenty-five thousand dollars."

Page 6, line 5, after word "dollars" insert the following :

"And to John P. Cordell, deputy sheriff, for similar service and attendance at the same time, one hundred and fifty dollars."

"To Henry Bertholf, in full for services and attendance as constable upon the Supreme Court in the city of New York, pursuant to the provisions of chapter 429 of the Laws of 1847, one thousand dollars, or such portion of that amount as the Comptroller shall find to be due for such services."

"To the Superintendent of the Capitol, for services rendered while the Capitol was occupied for military purposes during the present fiscal year, one hundred and fifty dollars."

"To Weare C. Little, in full for sixty-three copies of the 32d, 33d and 34th volumes of Barbour's Supreme Court Reports, furnished to the Regents of the University for distribution to the Governors of the loyal States, one hundred and eighty-nine dollars ; and for thirty-three copies of the 4th volume of Parker's Criminal Reports, furnished for the same purpose, one hundred and thirty-six dollars and thirteen cents ; and in full for the books furnished by him to the library of the Attorney General for the years 1860 and 1861, one hundred and thirty-nine dollars and fifty cents."

"To William Gould, for books furnished to the library of the Attorney General, fourteen dollars and fifty cents."

Page 6, after line 39, insert the following paragraph :

"To the deputy clerks of the Senate, in addition to their salary, to each of them, two hundred dollars, to be paid upon the certificate of the Clerk of the Senate, that each clerk respectively has fully and faithfully discharged the duties of his office during the present session ; and also the same allowance for mileage which is made to members of the Legislature."

Page 7, line 5, after word "of" insert the words "the legal heirs of."

Page 7, line 7, strike out "one hundred and fifty" and insert "three hundred."

Page 7, line 11, after word "Senate" insert words "two dollars and fifty cents for each day of actual service."

Same page, line 15, after the word "Senate" insert "and to Henry C. Leslie, assistant to the Superintendent of the Senate chamber."

Same page, line 16, strike out "one dollar and fifty cents" and insert "two dollars."

Same page, line 15, at the end of the paragraph, insert "to be paid on the certificate of the President of the Senate."

Same page, line 18, strike out the words "and Senate chamber."

Same page, after line 25, insert a new paragraph, the following:

"To the clerk of the Senate select committee of nine, the sum of one hundred and fifty dollars, to be paid on the certificate of the chairman of that committee."

Page 8, after paragraph in line 21, insert:

"To Douglas A. Levien, for services as clerk of the select committee of the Senate, appointed in 1861, to enquire into the irregularity of management, and other misconduct by officers of the corporation of the city of New York, seventy-five dollars."

"To James C. Clark, sergeant-at-arms of the Senate, during the years 1860 and 1861, for mileage expenses and serving of subpoenas upon the district attorney of the county of New York, by order of Francis B. Spinnola, the chairman of the investigating committee of the Senate, thirty dollars and fifty cents."

"To William Hodgins, for the preparation of plans for the improvement of the Senate chamber, pursuant to a resolution of the Senate passed in 1860, one hundred and thirty-five dollars."

"For compensation of the several firemen employed about the Capitol and State Library during the present session of the Legislature, to each of them for every day of actual service, three dollars."

"For compensation of the night watchmen employed about the Capitol and State Library during the present session of the Legislature, for every day of actual service, three dollars."

Same page, line 39, strike out the words "to Matthew O. Hollenbeck, Clerk's messenger of the Assembly," and insert "to Matthew O. Hollenbeck, for service as assistant to the journal clerk of the Assembly, five hundred dollars."

Page 9, line 10, at the commencement of the paragraph, insert:

"To the legal representatives of."

Page 10, line 2, insert as new paragraph, the following:

"To Saunders Wilson, doorkeeper of the Assembly of 1861, for ten days attendance as doorkeeper, pursuant to order of the select committee appointed to investigate charges against Jay Gibbons, thirty dollars."

Same page, lines 9 and 10, amend the paragraph as follows:

Strike out "three dollars and seventy-five cents," and insert "eleven dollars and twenty-five cents," and for clerical and other services made necessary by the long sickness of the assistant sergeant-at-arms, one hundred and fifty dollars."

Same page, line 35, amend by striking out "twenty-eight dollars," and inserting "thirty-seven dollars."

Same page, line 39, amend by striking out all after the word "stenographer," and insert the following: "three hundred and fifty dollars, or such portion of that amount as the Comptroller shall find to be just and proper."

"To Jacob Tenbroeck, for traveling expenses incurred in visiting the State prisons at Auburn and Sing Sing, as member of the committee on State prisons, authorized and directed by the Assembly to visit those institutions, twenty-five dollars."

"To Lemuel Stetson, in trust for the expenses of the committee appointed by the Assembly to attend the funeral of Newberry D. Halstead, member of Assembly from the second district of the county of Westchester, twenty-four dollars and fifty cents."

"For expenses of the select committee of the Assembly for 1861, appointed to sit during the recess to investigate the subject of opening streets in the city of New York, five hundred dollars, to be paid as follows, namely: to Charles E. Wilbur, stenographer to the committee, for 60 days of service, three hundred dollars; to Joseph J. Camp, sergeant-at-arms to the committee, one hundred dollars; and to Edmund Jones & Company, in full for stationery furnished said committee, one hundred dollars."

Page 11, line 15, insert the words "miscellaneous expenditures."

Page 12, strike out lines 6 to 11 inclusive, and insert the following:

"For expenses in full of George W. Patterson, John C. Green, Charles A. Peabody, Quarantine Commissioners, three thousand dollars, or such portion of that amount as shall be found by the Comptroller and Lieutenant Governor, to be due for such expenses."

Same page, strike out lines 22 and 23, and insert the following:

"To the Superintendent of the Montezuma Salt Springs, to be expended upon the new wells south of the village of Montezuma, for the development of said Springs, three thousand five hundred dollars, or so much thereof as may be necessary to be expended under the the direction of the Comptroller."

Same page, strike out lines 34, 35 and 36, and insert the following:

"To the Commissioners of the Land Office, two thousand five hundred dollars, or so much thereof as may be necessary to pay on account of the interest on the first lien of \$30,000 on the Agricultural College at Ovid, if, in the judgment of said Commissioner, such payment shall be for the interest of the State; and said Commissioners shall report to the next Legislature the situation and value of said college, farm and buildings, the outstanding indebtedness thereof, and whether the same would be a desirable location for one of the public institutions of the State."

Page 13, at the end of line 2, insert "or so much thereof as the Comptroller shall, upon examination, deem the State justly and legally liable for."

Same page, line 9, amend by striking out "fifty," and inserting "one hundred."

Same page, line 44, strike out "this House," and insert "the Assembly."

"To the proprietors of the Republican Statesman, for advertising proclamations, etc., for the Executive department, to be paid on the certificate of the Governor that such advertising has been actually performed, two hundred and four dollars and thirty cents."

"To Charles Van Benthuyzen, for printing, binding and delivering one thousand five hundred copies of the Catalogue of the State Library, three thousand five hundred and four dollars and eighty-five cents."

"For expenses of courts martial, pursuant to the provisions of sections 16 and 17 of the 7th title of chapter 398 of the Laws of 1854, three thousand five hundred dollars."

"To Charles Roome, colonel of the 37th regiment of the New York State militia, to reimburse him for moneys paid for 480 sets of accoutrements purchased in pursuance of instructions from Major General Charles W.

Sanford, eight hundred and thirty-four dollars and forty cents, to be paid on the certificate of the Commissary General."

"For repairing, grading, paving, fencing and strengthening of the State Arsenal at Brooklyn, four thousand dollars, or so much thereof as may be necessary to be expended under direction of the Commissary General."

"To Comstock & Cassidy, for the publication of the Session Laws of 1861, in the State paper, comprising one thousand six hundred and eight folios, at the rate of 30 cents per folio, four hundred and eighty-two dollars and forty cents."

"To Meade & Reynolds, for services and expenses incurred at the instance of the Clerk of the Court of Appeals, in traveling to Bath to attend the sales, and for the examination of the titles to mortgaged property lying in that town, by direction of said clerk, one hundred dollars, or such portion of that amount as the Comptroller shall find to be due."

"To the Clerk of the Court of Appeals, the sum of two hundred and fifty dollars, or so much thereof as may be necessary to repair the room occupied by the Court of Appeals, for the purpose of adding to the comfort or quiet of the room."

"To Wm. B. Lewis, State Treasurer, for expenses incurred in defending his claim to his office, contested by Philip Dorsheimer, one hundred and fifty dollars."

The proviso attached to the grant of one thousand five hundred dollars to the Children's Friend Society, in the city of Albany, under chapter 266 of the Laws of 1861, is hereby repealed.

Add as section 2, the following:

"This act shall take effect immediately."

The Assembly non-concur in the following amendments, and request a committee of conference on the part of the Senate, and have appointed as such committee on the part of the Assembly, Messrs. Hulburd, Ackley, Darrow, Phelps and Beadle.

Page 4, strike out lines 30 and 31.

"To William H. Mink, for services as Superintendent of the State Hall, for the years 1860 and 1861, to increase his salary to five hundred dollars for each of those years, two hundred dollars."

Page 6, strike out lines 35, 36, 37, 38 and 39, and insert the following:

"To the Clerk of the Senate, for extra clerical hire in engrossing, five hundred dollars; and for indexing the journals and documents of the Senate, two hundred and fifty dollars."

"The sum of two hundred dollars is appropriated to Nathaniel Goodwin, for extra services."

"To Charles G. Fairman, in addition to his compensation as journal clerk of the Senate, for the session of 1861, the sum of two hundred dollars, and the same allowance for mileage as is allowed to members of the Legislature, to be paid on the certificate of the President of the Senate."

"To Mrs. Gray and Mrs. Moran, the women employed in cleaning the State Library and the several rooms connected with the same, to each of them fifty dollars."

"To the Clerk of the Assembly, for extra clerical hire and engrossing, five hundred dollars; and for indexing the Assembly journal and documents of the present session, two hundred and fifty dollars."

Page 11, line 6, strike out "forty," and insert "ninety."

Page 11, strike out lines 38, 39, 40, 41, 42 and 43.

Page 12. The office of Quarantine Commissioners is hereby abolished.

"To the Commissioners of the Land Office, two thousand five hundred dollars, or so much thereof as may be necessary to pay on account of the

interest on the first lien of \$30,000 on the Agricultural College at Ovid, if in the judgment of said Commissioners, such payment shall be for the interest of the State, and said Commissioners shall report to the next Legislature the situation and value of said College farm and buildings, the outstanding indebtedness thereof, and whether the same would be a desirable location for one of the public institutions of the State."

Add at the end of the first section, the following :

"To the Receiver of the Bank of Sing Sing, twenty-three thousand six hundred and sixteen dollars, being a claim for moneys alleged to have been advanced to the agent of the State prison at Sing Sing for the use of that prison, provided that it shall appear by the certificate of the Attorney General, Comptroller and Secretary of State, or any two of them, that the moneys so advanced were disbursed for the use of said prison, and that the claim is just and equitable, and unless the commissioners appointed by the Legislature of 1860 shall have examined and passed upon the same."

"The Attorney General, Comptroller and Secretary of State, or a majority of them are authorized and empowered in order to effect a settlement of said claim, to allow and set off the amount of the same and deduct it from the claim of the State against said bank ; provided that the Receiver or the sureties for said bank to the State shall pay into the treasury the remainder due to the State, after deducting the amount of the aforesaid claim or such portion of it as shall be found to be just and equitable."

"To Benjamin F. Hall, for services rendered as counsel and clerk to the committee on State prisons of the Assembly of 1859, inclusive of ninety-seven dollars paid by him for expenses, two hundred and fifty dollars."

"For compensation and expenses of the Board of Engineers, seven in number, convened in the month of December, 1861, to consider and report upon plans for the defence of the harbor of New York, and for the expenses connected with the same, two thousand dollars, or so much of that amount as shall be necessary, to be paid on the certificate of the Governor, with a detailed statement of services and expenses."

"To James Hay, in full for all claims as heir to the estate of John G. Leake, deceased, escheated to the State, two thousand five hundred dollars, to be paid on his full relinquishment of all claims to the said estate, on his own part, and in behalf of all persons whom he represented in that matter."

"To Charles Van Benthuyzen, for engraving on stone, paper, and printing in lithography the plates for the fourth volume of the Palæontology of the State, one thousand three hundred and thirty-two dollars and seventy-five cents ; and for printing, binding and delivering two thousand nine hundred and eighty copies of the third volume of the Palæontology, four thousand and forty-two dollars and fourteen cents, according to a contract, to be bound in the same style as stated in Assembly document No. 9, of 1850, page 54."

"To Weed, Parson & Co., in full for printing and binding the second volume of the Journal of the Legislative Council of the Colony of New York, together with the index to the work, four thousand seven hundred and seventy-four dollars and fourteen cents."

"To E. B. O'Collaghan, for six months and a half of service in superintending the printing of the Journal of the Legislative Council of New York, and for preparing the index of the same, eight hundred and twelve dollars and fifty cents ; and to Thomas McLaughlin, for assisting in the preparation of said index, sixty-six dollars and sixty-six cents."

"For expenses incident to the transportation, care and supplies of hospital for sick and wounded soldiers belonging to this State, in cases in which no provision shall have been made for such purposes by the Government of

the United States, and to be considered a charge against that government ; and for the removal of the remains of officers slain in battle, or dying while in the service, thirty thousand dollars, to be paid on the certificate of the Governor, in each particular case, stating that from the attending circumstances it should be a public charge."

"To William H. Anthon, Judge Advocate General, to reimburse him for copying and other clerical services, one hundred and fifty-three dollars and sixty-one cents."

"For the purchase of the General Regulations, and of the United States Infantry Tactics, one thousand dollars."

"To Charles Van Benthuyzen, for the remainder of the assigned claim of R. M. Griffin & Co., for job printing done by order of Gideon J. Tucker, Secretary of State, one thousand one hundred and eighty-one dollars and forty cents, or such portion of that amount as the Comptroller, Lieutenant Governor, Attorney General, or a majority of them, on the examination of the several items of said account, shall find to be justly due."

"To Thomas Gunning, for disbursements and costs received by him in a suit brought against him for alleged violation of the 42d section of the act entitled 'An act to amend an act entitled 'An act to establish the Metropolitan police district, and to provide for the government thereof, passed April 15, 1857,' passed April 10, 1860,' forty-nine dollars and thirty-one cents."

"To Charles J. Jack, for costs, disbursements and other expenses incurred and recovered in four certain actions brought by the district attorney of the county of Kings, in the name of the people, pursuant to the 21st section of the Metropolitan Police Act of 1857, one thousand dollars, or such portion of that amount as the Comptroller and Attorney General shall find to be justly due."

"To George H. Moore, for a manuscript copy of the missing Journals of the Legislature of New York during the colonial period, five hundred dollars, or so much of that amount as the Regents of the University shall deem a fair remuneration."

"To A. Strong & Co., proprietors of the Rochester Democrat and American, for the unpaid remainder due for advertising the monthly abstracts of the superintendent of the 11th section of the Erie canal, in the year 1859, according to contract, one hundred and twenty dollars ; and for advertising proposals for repairs upon the Champlain canal, Genesee Valley canal, and upon the Genesee Valley extension, in the month of June, 1860, to be paid upon the certificate of the Canal Commissioners authorizing the advertising, two hundred and twenty-four dollars and eighteen cents."

"To the Iroquois Agricultural Society, two hundred and fifty dollars."

"For the repairing the piers and taking care of the canal harbor at the entrance of the Cayuga and Seneca canal into Seneca lake, the sum of five thousand dollars, to be expended, or so much thereof as may be necessary, under the direction of the Canal Commissioners, to be paid from the fund appropriated for the ordinary repairs of said canal."

"To Alexander Ostrander, for rent of rooms to the select committee of the Assembly of 1861, appointed to investigate the matter of the opening of the streets in the city of New York, six hundred and fifty dollars, or so much of that amount as the Comptroller shall deem just and equitable."

"To Robert P. Parrott, for shells and other projectiles furnished the State, eight thousand four hundred and seventy-two dollars and fifty cents."

"To the trustees of the People's College, ten thousand dollars per year



for two years, in the manner and on the conditions provided by the Laws of 1862, and not in addition to the appropriation thereby made."

"To the trustees of the Troy University, five thousand dollars a year for two years, in the manner and on the conditions provided by chapter — of the Laws of 1862, and not in addition to the appropriation thereby made."

"To Philip Phelps, five thousand dollars, on the recommendation of Azariah C. Flagg, Millard Fillmore, Washington Hunt, John C. Wright, Lorenzo Burrows, Sanford E. Church, James M. Cook and Robert Deniston, who have all respectively held the office of Comptroller of this State, and in recognition of the faithful services of the said Philip Phelps in the said Comptroller's office for more than thirty years past, and in compensation for the same, in addition to the amount already received by him."

Mr. Bell moved that the Senate consent to a committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President announced as such committee on the part of the Senate, Messrs. Bell, Murphy and Abbott.

Mr. Ramsey moved to take from the table the motion to reconsider the vote on the bill entitled "An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Mr. Ganson moved that the absent Senators be sent for.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The President then put the question "Shall this bill become a law notwithstanding the objections of the Governor?" and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Hutchinson	Pruyn	Smith
Angel	Cornell	Munroe	Ramsey	Traman
Bradley	Freer	Murphy	Sanford	Woodruff
Connolly				

16

#### FOR THE NEGATIVE.

Bell	Ganson	Low	Robertson	Tobey
Folger	Little	Montgomery		

8

*Ordered*, That the Clerk deliver said bill to the Assembly, with a message that the Senate have passed the same notwithstanding the objections of the Governor.

The Assembly returned the bill entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern lakes," with a message that they had concurred in the passage of the same, with the following amendments :

Section 1, line 14, engrossed bill, strike out the words "or instead of enlarging a tier of locks on the Oswego canal."

Same section, line 16, strike out "may" and insert "shall."

Same section, lines 20 and 21, strike out "or may both enlarge said Oswego canal locks and construct said other canal."

Mr. Cook moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Munroe	Tobey
Angel	Cook	Ganson	Murphy	Truman
Bell	Cornell	Hutchinson	Robertson	Woodruff
Bradley	Folger	Little	Sanford	

19

## FOR THE NEGATIVE.

Montgomery	Pruyn			
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

By unanimous consent, Mr. Truman moved that the rules be suspended, and that the Assembly bill entitled "An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Low	Pruyn	Smith
Angel	Freer	Montgomery	Ramsey	Tobey
Bradley	Ganson	Munroe	Robertson	Truman
Connolly	Hutchinson	Murphy	Sanford	Woodruff
Cook	Little			

22

## FOR THE NEGATIVE.

Folger				
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1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

On motion of Mr. Low, and by unanimous consent—

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. James A. Bell, President *pro tem.* of the Senate, and James Terwilliger, Esq., Clerk of the Senate, for the able, impartial and efficient manner in which they have discharged their respective duties.

By unanimous consent, Mr. Connolly moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act for the relief of Jacob Roth," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Bradley	Cornell	Ramsey	Smith
Angel	Connolly	Murphy	Sanford	Woodruff

10

## FOR THE NEGATIVE.

Folger	Hutchinson	Low	Pruyn	Truman
Ganson	Little	Montgomery	Tobey	

9

Mr. Connolly moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

By unanimous consent, Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 13, 1854,' " and that the same be recommitted to the committee on manufactures, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Truman moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend an act authorizing the formation of town insurance companies, passed April 17, 1857, as amended March 26, 1861," and that the same be recommitted to the committee on insurance companies, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Low moved that the Assembly bill entitled "An act to protect the harbor of New York against invasion, and provide for the public defence," be made the special order for to-morrow at nine o'clock.

Mr. Truman moved to amend by striking out "nine" and inserting "half-past ten," and that the third reading of bills be made the special order for nine o'clock.

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman moved that when the Senate adjourn, it be until to-morrow morning at nine o'clock.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Ganson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act for the preservation of moose, wild deer, birds and fresh water fish," and that the same be recommitted to the committee on internal affairs of towns and counties, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Cornell moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes; also to regulate the expenditure of certain revenues of said county," and that the same be recommitted to the committee on cities and villages, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Folger, from the committee of conference to consider the matters of

difference between the two Houses on the bill entitled "An act dividing the State into Congressional districts," reported that they had conferred together and agreed to recommend the adoption of the following bill:

"An act dividing the State into Congressional districts."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. For the election of Representatives in Congress of the United States, this State shall be and is hereby divided into thirty-one districts, namely:

The counties of Suffolk, Queens and Richmond, shall compose the first district.

The sixth, eighth, ninth, tenth, twelfth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Brooklyn, and the towns of Flatbush, Flatland, Gravesend, New Lots and New Utrecht, of the county of Kings, shall compose the second district.

The first, second, third, fourth, fifth, seventh, eleventh, thirteenth, fifteenth and nineteenth wards of the city of Brooklyn, in the county of Kings, shall compose the third district.

The first, second, third, fourth, fifth, sixth and eighth wards of the city and county of New York, and Governor's Island, shall compose the fourth district.

The seventh, tenth, thirteenth and fourteenth wards of the city and county of New York, shall compose the fifth district.

The ninth, fifteenth and sixteenth wards of the city and county of New York, shall compose the sixth district.

The eleventh and seventeenth wards of the city and county of New York, shall compose the seventh district.

The eighteenth, twentieth and twenty-first wards of the city and county of New York, shall compose the eighth district.

The twelfth, nineteenth and twenty-second wards of the city and county of New York, and Blackwell's, Ward and Randall's Islands, shall compose the ninth district.

The counties of Westchester, Rockland and Putnam, shall compose the tenth district.

The counties of Orange and Sullivan shall compose the eleventh district.

The counties of Dutchess and Columbia shall compose the twelfth district.

The counties of Ulster and Greene shall compose the thirteenth district.

The counties of Albany and Schoharie shall compose the fourteenth district.

The counties of Rensselaer and Washington shall compose the fifteenth district.

The counties of Warren, Essex and Clinton shall compose the sixteenth district.

The counties of St. Lawrence and Franklin shall compose the seventeenth district.

The counties of Fulton, Hamilton, Montgomery, Saratoga and Schenectady shall compose the eighteenth district.

The counties of Delaware, Otsego and Chenango shall compose the nineteenth district.

The counties of Jefferson, Lewis and Herkimer shall compose the twentieth district.

The county of Oneida shall compose the twenty-first district.

The counties of Madison and Oswego shall compose the twenty-second district.

The counties of Onondaga and Cortland shall compose the twenty-third district.

The counties of Cayuga, Wayne and Seneca shall compose the twenty-fourth district.

The counties of Ontario, Livingston and Yates shall compose the twenty-fifth district.

The counties of Tioga, Tompkins, Broome and Schuyler shall compose the twenty-sixth district.

The counties of Chemung, Steuben and Allegany shall compose the twenty-seventh district.

The counties of Monroe and Orleans shall compose the twenty-eighth district.

The counties of Genesee, Niagara and Wyoming shall compose the twenty-ninth district.

The county of Erie shall compose the thirtieth district.

The counties of Chautauqua and Cattaraugus shall compose the thirty-first district.

CHARLES J. FOLGER,  
JOHN J. BRADLEY,

*Committee on the part of the Senate.*

HORATIO SEYMOUR,  
CHARLES L. BENEDICT,  
ALBERT ANDRUS,

*Committee on the part of the Assembly.*

Mr. Angel moved to lay said report on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Angel	Cornell	Murphy	Ramsey	Robertson	
Bell	Hutchinson	Pruyn			8

FOR THE NEGATIVE.

Abbott	Ganson	Montgomery	Smith	Truman	
Cook	Little	Munroe	Tobey	Woodruff	
Folger	Low	Sanford			13

The President then put the question whether the Senate would agree to report of the committee, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Bradley	Folger	Little	Munroe	Tobey	
Connolly	Freer	Low	Sanford	Truman	
Cook	Ganson	Montgomery	Smith	Woodruff	15

FOR THE NEGATIVE.

Angel	Hutchinson	Pruyn	Ramsey	Robertson	
Cornell	Murphy				7

Mr. Folger moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly sent for concurrence the following resolution :

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be and he is hereby directed to make an examination and survey of the Allegany river from the termination of and junction with the said river and the Genesee Valley canal to the mouth of the Great Valley creek, past and near the crossing of the Buffalo and Bradford railroad, and to report to the next Legislature the practicability of making slack water navigation on

said river, between the two points named, and the probable cost of the same.

*Ordered*, That said resolution be laid on the table.

The order of business of reports of standing committees having been announced—

Mr. Robertson moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Hutchinson moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The order of business of third reading of bills having been announced—

Mr. Robertson moved to lay that order of business on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Cornell moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly bill entitled "An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Murphy	Sanford
Bradley	Folger	Low	Pruyn	Smith
Connolly	Freer	Montgomery	Ramsey	Tobey
Cook	Hutchinson	Munroe	Robertson	Truman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to exempt St. John's College, in the town of West Farms, county of Westchester, from the school tax," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows.

#### FOR THE AFFIRMATIVE.

Angel	Folger	Montgomery	Robertson	Tobey
Bradley	Freer	Munroe	Sanford	Truman
Connolly	Little	Pruyn	Smith	Woodruff
Cook	Low	Ramsey		

18

#### FOR THE NEGATIVE.

Ganson	Hutchinson
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Hutchinson moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Freer	Hutchinson	Sanford	5
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## FOR THE NEGATIVE.

Bradley	Ganson	Montgomery	Ramsey	Tobey	
Connolly	Little	Murphy	Robertson	Truman	
Cook	Low	Pruyn	Smith	Woodruff	
Folger					16

The third reading of the Assembly bill entitled "An act to prevent fraud in the opening and laying out of streets and avenues in the city of New York," having been announced—

On motion of Mr. Murphy and by unanimous consent, said bill was amended by adding in section three the words "beyond the salary now paid that officer."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Munroe	Sanford	
Bradley	Folger	Little	Murphy	Smith	
Connolly	Freer	Low	Pruyn	Truman	
Cook	Ganson	Montgomery	Ramsey	Woodruff	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The Assembly bill entitled "An act to authorize the sale of the property of the Baptist church in the village of New Haven, county of Oswego," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Folger	Low	Pruyn	Smith	
Connolly	Ganson	Montgomery	Ramsey	Tobey	
Cook	Hutchinson	Munroe	Robertson	Truman	
Cornell	Little	Murphy	Sanford	Woodruff	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the society for the relief of poor widows with small children,' passed April 10, 1810," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Folger	Low	Pruyn	Smith	
Bradley	Freer	Montgomery	Ramsey	Tobey	
Connolly	Ganson	Munroe	Robertson	Truman	
Cook	Hutchinson	Murphy	Sanford	Woodruff	
Cornell	Little				21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to extend the time for the completion of the Lebanon Springs railroad," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Munroe	Sanford
Bradley	Folger	Little	Prayn	Tobey
Connolly	Freer	Low	Ramsey	Truman
Cook	Ganson	Montgomery	Robertson	19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Munroe	Smith
Bradley	Folger	Little	Prayn	Tobey
Connolly	Freer	Low	Ramsey	Truman
Cook	Ganson	Montgomery	Sanford	Woodruff
				20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act confirming acts of courts of sessions of Cortland county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Prayn	Smith
Bradley	Folger	Little	Ramsey	Tobey
Connolly	Freer	Montgomery	Robertson	Truman
Cook	Ganson	Munroe	Sanford	19

## FOR THE NEGATIVE.

Low

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Sanford moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly bill entitled "An act for the better security of mechanics, laborers and others who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:



## FOR THE AFFIRMATIVE.

Angel	Cornell	Little	Murphy	Smith
Bradley	Folger	Low	Pruyn	Tobey
Connolly	Freer	Montgomery	Ramsey	Truman
Cook	Ganson	Munroe	Sanford	Woodruff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act in relation to the rates of wharfage, and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn,' passed April 10, 1860," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Murphy	Smith
Bradley	Folger	Little	Pruyn	Tobey
Connolly	Freer	Low	Ramsey	Truman
Cook	Ganson	Montgomery	Sanford	Woodruff

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to constitute the village of Middleport in the towns of Royalton and Hartland and county of Niagara a separate road district," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Murphy	Sanford
Bradley	Folger	Little	Pruyn	Smith
Connolly	Freer	Low	Ramsey	Tobey
Cook	Ganson	Montgomery	Robertson	Truman

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Connolly moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

The Assembly bill entitled "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, when the vote was as follows:

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hutchinson	Pruyn	Smith
Bradley	Folger	Little	Ramsey	Tobey
Connolly	Freer	Low	Sanford	Truman
Cook	Ganson	Montgomery		

18

Not having received the constitutional vote, said bill was laid aside.

Mr. Folger moved to lay the order of business of third reading of bills on the table.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, two-thirds of all the Senators present not voting in favor thereof.

Mr. Connolly moved that the Senate do now adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President thereupon announced that the Senate would stand adjourned until to-morrow morning at 9 o'clock.

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## TUESDAY, APRIL 22, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Palmer.

The journal of yesterday was read and approved.

Mr. Truman, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Truman moved that the rules be suspended, so that all bills ordered to a third reading, may be read without delay.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on internal affairs of towns and counties, to which was referred the Assembly bill entitled "An act for the preservation of moose, wild deer, birds, and fresh water fish," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Munroe, from the committee on banks, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Mount Vernon Savings bank,' passed April 17, 1861," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Robertson, from the committee on commerce and navigation, to which was referred the Assembly bill entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Young, from the committee on manufactures, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 13, 1854,' " with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to incorporate the West Farms Mutual Insurance company," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the act to provide for the incorporation of Fire Insurance companies," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the formation of town insurance companies,' " with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Sanford, from the committee on Indian affairs, to which was referred the bill entitled "An act to repeal certain sections of acts heretofore passed relating to allotments of lands among the Seneca Indians on the Allegany and Cattaraugus reservations in this State," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

On motion of Mr. Sanford—

*Resolved*, That the committee on Indian affairs be authorized to sit during the recess of the Senate to investigate the claims and grievances of the various Indian tribes, and what changes are needed in the present Laws in relation to the Indians located in this State, and be empowered to visit the several Indian reservations and examine persons and papers with reference thereto, and that said committee receive no compensation therefor.

On motion of Mr. Low—

*Resolved*, That ten copies of the report of the Superintendent of the Insurance Department be printed for each member, officer and reporter of the Senate.

The Assembly bill entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Angel	Freer	Little	Pruyn	Tobey
Bailey	Ganson	Low	Robertson	Truman
Clark	Hardin	Montgomery	Sanford	Woodruff
Cook	Hutchinson	Munroe	Smith	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Munroe	Tobey
Bailey	Folger	Hutchinson	Pruyn	Truman
Connolly	Freer	Little	Sanford	Woodruff
Cook	Ganson	Montgomery	Smith	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the fire department of the village of Batavia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Tobey	
Bailey	Farrar	Little	Pruyn	Truman	
Clark	Folger	Montgomery	Sanford	Woodruff	
Connolly	Freer	Munroe	Smith	Young	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act authorizing the transcribing of certain registry lists in the town of Whitestown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Tobey	
Bailey	Folger	Montgomery	Robertson	Truman	
Clark	Freer	Munroe	Sanford	Woodruff	
Connolly	Ganson	Murphy	Smith	Young	22
Cook	Hardin				

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Folger	Little	Pruyn	Tobey	
Bailey	Freer	Montgomery	Robertson	Truman	
Connolly	Ganson	Munroe	Sanford	Woodruff	
Cook	Hardin	Murphy	Smith	Young	21
Farrar					

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act further to amend an act to provide for the incorporation and regulation of telegraph companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Ganson	Montgomery	Ramsey	Tobey
Bailey	Hardin	Munroe	Robertson	Truman

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend the act to provide for the incorporation of Fire Insurance companies," reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Little, from the committee on insurance companies, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act authorizing the formation of town insurance companies,' " with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Mr. Sanford, from the committee on Indian affairs, to which was referred the bill entitled "An act to repeal certain sections of acts heretofore passed relating to allotments of lands among the Seneca Indians on the Allegany and Cattaraugus reservations in this State," reported the same to the Senate for its consideration, and said bill was committed to the committee of the whole.

On motion of Mr. Sanford—

*Resolved*, That the committee on Indian affairs be authorized to sit during the recess of the Senate to investigate the claims and grievances of the various Indian tribes, and what changes are needed in the present Laws in relation to the Indians located in this State, and be empowered to visit the several Indian reservations and examine persons and papers with reference thereto, and that said committee receive no compensation therefor.

On motion of Mr. Low—

*Resolved*, That ten copies of the report of the Superintendent of the Insurance Department be printed for each member, officer and reporter of the Senate.

The Assembly bill entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Angel	Freer	Little	Pruyn	Tobey
Bailey	Ganson	Low	Robertson	Truman
Clark	Hardin	Montgomery	Sanford	Woodruff
Cook	Hutchinson	Munroe	Smith	Young
Cornell				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Munroe	Tobey
Bailey	Folger	Hutchinson	Pruyn	Truman
Connolly	Freer	Little	Sanford	Woodruff
Cook	Ganson	Montgomery	Smith	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to incorporate the fire department of the village of Batavia," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Cook	Hardin	Murphy	Tobey
Bailey	Farrar	Little	Pruyn	Truman
Clark	Folger	Montgomery	Sanford	Woodruff
Connolly	Freer	Munroe	Smith	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act authorizing the transcribing of certain registry lists in the town of Whitestown," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Farrar	Little	Pruyn	Tobey
Bailey	Folger	Montgomery	Robertson	Truman
Clark	Freer	Munroe	Sanford	Woodruff
Connolly	Ganson	Murphy	Smith	Young
Cook	Hardin			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Folger	Little	Pruyn	Tobey
Bailey	Freer	Montgomery	Robertson	Truman
Connolly	Ganson	Munroe	Sanford	Woodruff
Cook	Hardin	Murphy	Smith	Young
Farrar				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act further to amend an act to provide for the incorporation and regulation of telegraph companies," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Angel	Ganson	Montgomery	Ramsey	Tobey
Bailey	Hardin	Munroe	Robertson	Truman

Connolly  
Cook  
Folger

Little  
Low

Murphy  
Pruyn

Sanford  
Smith

Woodruff  
Young

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Connolly moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act for the relief of Jacob Roth."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Connolly  
Cornell

Farrar  
Folger  
Freer  
Hardin

Munroe  
Murphy  
Pruyn

Robertson  
Sanford  
Smith

Truman  
Woodruff  
Young

17

#### FOR THE NEGATIVE.

Little

Low

Montgomery

3

Mr. Connolly moved that said bill be referred to the committee on the judiciary, and that when reported it retain its place on the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Assembly bill entitled "An act to authorize school district No. 4, in the town of Greece, to raise money on its bonds for building a school house," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Connolly  
Cook

Cornell  
Farrar  
Freer  
Ganson

Hardin  
Little  
Low  
Montgomery

Munroe  
Murphy  
Pruyn  
Richards

Sanford  
Smith  
Truman  
Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to provide for the consolidation of banking associations," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel  
Bailey  
Connolly  
Cook

Cornell  
Farrar  
Freer  
Hardin

Hutchinson  
Little  
Munroe  
Richards

Sanford  
Smith  
Tobey

Truman  
Woodruff  
Young

18

#### FOR THE NEGATIVE.

Ganson

Montgomery

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to declare the village of Groton, in the county of Tompkins, a separate road district, and to provide for raising

money by tax therein for highways, and to compel owners or occupants of property therein to repair sidewalks and for other purposes," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Munroe	Smith
Bailey	Farrar	Little	Richards	Tobey
Bradley	Freer	Low	Robertson	Truman
Connolly	Ganson	Montgomery	Sanford	Young
Cook				

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to repeal part of an act passed April 15, 1858, entitled "An act to amend an act to establish regulations for the port of New York," passed April 16, 1857," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Freer	Pruyn	Smith
Bailey	Cook	Ganson	Richards	Tobey
Bradley	Cornell	Montgomery	Robertson	Truman
Clark	Farrar	Munroe	Sanford	Young

20

## FOR THE NEGATIVE.

Hardin

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act authorizing the commissioners of highways of the town of Watervliet, in the county of Albany, to lay out and open a certain highway in the said town, of the width of two rods," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Connolly	Ganson	Montgomery	Sanford
Bailey	Cook	Hardin	Munroe	Smith
Bradley	Cornell	Hutchinson	Pruyn	Truman
Clark	Farrar	Little	Richards	Young

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the appointment of overseers of highways in the town of Schoharie, Schoharie county," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :



## FOR THE AFFIRMATIVE.

Angel	Cook	Ganson	Montgomery	Sanford
Bailey	Cornell	Hardin	Munroe	Smith
Bradley	Farrar	Hutchinson	Richards	Truman
Clark	Freer	Little	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act to amend an act authorizing the formation of town insurance companies, passed April 17, 1857, as amended March 26, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Richards	Tobey
Bailey	Cornell	Little	Robertson	Truman
Bradley	Farrar	Montgomery	Sanford	Woodruff
Clark	Ganson	Munroe	Smith	Young
Connolly	Hardin	Pruya		

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly bill entitled "An act for the preservation of moose, wild deer, birds and fresh water fish," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Cornell	Ganson	Richards	Smith
Bradley	Farrar	Low	Robertson	Tobey
Connolly	Freer	Pruya	Sanford	Truman
Cook				

16

## FOR THE NEGATIVE.

Angel	Hutchinson	Little	Montgomery	Young
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5

Mr. Ganson moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

The Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the Mount Vernon Savings bank,' passed April 17, 1861," was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cornell	Hardin	Montgomery	Sanford
Bailey	Farrar	Hutchinson	Munroe	Smith
Bradley	Folger	Little	Richards	Truman
Connolly	Freer	Low	Robertson	Young
Cook	Ganson			

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The third reading of the bill entitled "An act to encourage the invest-

ment, in small sums, by the people of this State in the stocks of the State," having been announced—

On motion of Mr. Cook and by unanimous consent, said bill was amended by striking out the second section.

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Cook	Hutchinson	Richards	Smith	
Bailey	Cornell	Little	Robertson	Truman	
Clark	Farrar	Montgomery	Sanford	Young	
Connolly	Hardin	Pruya			18

#### FOR THE NEGATIVE.

Folger	Ganson	Low	Muaroe	Tobey	5
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Truman moved to take from the table the motion to reconsider the vote on the Assembly bill entitled "An act for the preservation of moose, wild deer, birds and fresh water fish."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Freer	Pruya	Smith	
Bradley	Cornell	Ganson	Richards	Tobey	
Clark	Farrar	Hardin	Robertson	Truman	
Connolly	Folger	Low	Sanford		19

#### FOR THE NEGATIVE.

Angel	Hutchinson	Little	Montgomery	Young	5
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Tobey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend the act entitled 'An act to provide for the payment of interest on certain canal drafts, certificates and awards for damages,' passed April 17, 1860," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Folger	Little	Robertson
Angel	Cook	Ganson	Munroe	Sanford
Bailey	Cornell	Hardin	Pruyn	Tobey
Bradley	Farrar	Hutchinson	Richards	Young

29

## FOR THE NEGATIVE.

Murphy Truman

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly returned the following entitled bill :

"An act to confirm and legalize certain acts of the common council of the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 13, 1854,' " was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Folger	Murphy	Tobey
Angel	Cook	Ganson	Pruyn	Truman
Bailey	Cornell	Hardin	Richards	Young
Bradley	Farrar	Munroe	Sanford	

19

## FOR THE NEGATIVE.

Montgomery

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

The third reading of the Assembly bill entitled "An act to authorize William Beard and others to erect, construct, build and maintain sea walls or break-water piers, docks, wharves, bulkheads, piers and warehouses, and a basin for commercial uses, in front of their lands in the Twelfth ward of the city of Brooklyn," having been announced—

Mr. Hutchinson moved to recommit said bill to the committee on commerce and navigation, and when reported it retain its place on the order of third reading of bills.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Pruyn	Sanford
Angel	Cook	Little	Ramsey	Truman
Bailey	Cornell	Low	Richards	Woodruff
Bell	Farrar	Montgomery	Robertson	Young
Bradley	Freer	Murphy		

23

## FOR THE NEGATIVE.

Tobey

1

*Ordered*, That the Clerk return said bill to the Assembly, with a mes-

sage informing that the Senate have concurred in the passage of the same, without amendment.

The Assembly returned the bill entitled "An act to release the interest of the people of the State of New York in certain lands to Chas. G. Gere," with a message that they had concurred in the passage of the same, with the following amendments:

Add to section 1, the following:

"And the said conveyance from the said David Roach shall hereafter be deemed in all courts a valid conveyance, notwithstanding the said David Roach was at the time of making said conveyance an alien, and power is given to the said David Roach to make further conveyance to quiet the title of the said Charles G. Gere."

Mr. Young moved that the Senate concur in said amendment.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Murphy	Smith
Angel	Farrar	Hutchinson	Pruyn	Truman
Bradley	Folger	Little	Ramsey	Woodruff
Connolly	Freer	Low	Richards	Young
Cook	Ganson	Montgomery	Sanford	

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment.

The Assembly returned the following entitled bill:

"An act to adapt the canals of this State to the defence of the Northern and Northwestern lakes."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the bill entitled "An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code appointed under the act of April 6th, 1867, and to repeal section 37, article 2d, title 2d, chapter 1st, part 3d of the Revised Statutes," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 3, engrossed bill.

Insert the following as section nine.

"§ 9. Section 257 is hereby amended by adding thereto at the end thereof, the following:

"In the first judicial district no civil calendar of issues of fact or of law shall be called for trial in any court of record, at an earlier hour in the day than the hour of 12 o'clock at noon. And the hours for the trial of issues of law or of fact, in court, in civil actions in the courts of record of the said district, shall be from the hour of 12 o'clock at noon to the hour of 5 o'clock in the afternoon. But the judge or justice holding any such court may from day to day change the hour last above mentioned."

Change the numbers of sections 4, 5, 6, 7 and 8, engrossed bill, to correspond.

Section 11, line 9, after word "object" insert "except in actions for divorce."

Same section, line 12, strike out all after the word "referred."

Section 31, strike out all after the words "new matter," in line 28.

The question being on concurring in said amendments, Mr. Pruyn called for a division of the question.

The President put the question whether the Senate would agree to the first of said amendments, striking out section three, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Bailey	Farrar	Richards	Sanford	Young	5
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## FOR THE NEGATIVE.

Angel	Ganson	Little	Munroe	Robertson	
Connolly	Hardin	Low	Murphy	Tobey	
Cornell	Hutchinson	Montgomery	Pruyn	Truman	
Folger					16

The President put the question whether the Senate would agree to concur in the second of said amendments, inserting a new section 9, in relation to time of opening courts in the city of New York, and it was decided in the negative, as follows :

## FOR THE NEGATIVE.

Angel	Cornell	Hardin	Pruyn	Tobey	
Bailey	Farrar	Low	Richards	Truman	
Connolly	Folger	Montgomery	Robertson	Young	
Cook	Ganson	Murphy	Sanford		19

The President put the question whether the Senate would agree to concur in the third of said amendments, inserting in section 11, after word "object" the words "except in actions for divorce," and it was decided in the negative, as follows :

## FOR THE NEGATIVE.

Angel	Cornell	Hardin	Munroe	Robertson	
Bailey	Farrar	Little	Pruyn	Tobey	
Connolly	Folger	Low	Richards	Young	
Cook	Ganson	Montgomery			18

The President then put the question whether the Senate would agree to concur in the fourth of said amendments, striking out the section relating to testimony of married women, and it was decided in the negative, a majority of all the Senators elected not voting in favor thereof, as follows .

## FOR THE AFFIRMATIVE.

Angel	Farrar	Murphy	Sanford	Tobey	
Connolly	Ganson	Pruyn	Smith	Woodruff	
Cornell	Hutchinson	Robertson			13

## FOR THE NEGATIVE.

Bailey	Hardin	Low	Munroe	Young	
Folger	Little	Montgomery	Truman		9

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have non-concurred in their amendments.

Mr. Folger moved to take from the table the motion to reconsider the vote on agreeing to the report of the committee of conference on the bill entitled "An act dividing the State into congressional districts."

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Hardin	Murphy	Smith	
Angel	Farrar	Little	Pruyn	Tobey	
Bailey	Folger	Low	Richards	Truman	
Bradley	Freer	Montgomery	Robertson	Woodruff	
Cook	Ganson	Munroe	Sanford	Young	25

The President then put the question whether the Senate would agree to the report of the committee of conference, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cornell	Little	Richards	Truman	
Bailey	Folger	Low	Sanford	Woodruff	

Bradley	Freer	Montgomery	Smith	Young	
Cook	Hardin	Munroe	Tobey		19

## FOR THE NEGATIVE.

Angel	Farrar	Hutchinson	Prayn	Robertson	
Connolly	Ganson	Murphy			8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

Mr. Folger moved that a committee of conference on the part of the Senate be appointed to confer with a like committee from the Assembly, on the matters of difference between the two Houses on the bill entitled "An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code, appointed under the act of April, 1857, and to repeal section 37, article 2d, title 2d, chapter 1st, part 3d of the Revised Statutes."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

By unanimous consent, Mr. Cornell moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to provide for the reimbursement of certain persons belonging to the militia of this State for clothing and equipments lost or destroyed in the service of the United States," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Murphy	Smith	
Angel	Cornell	Little	Prayn	Tobey	
Bailey	Farrar	Montgomery	Robertson	Truman	
Connolly	Folger	Munroe	Sanford	Young	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Folger, from a majority of the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend an act entitled 'An act to establish bulkheads and pier lines for the port of New York.' " with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Angel	Cook	Low	Prayn	Truman	
Bailey	Cornell	Montgomery	Robertson	Woodruff	
Bell	Folger	Munroe	Sanford	Young	
Bradley	Little	Murphy	Smith		19

## FOR THE NEGATIVE.

Hutchinson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act to enable the board of supervisors of the county of New York to raise money by tax for certain purposes ; also, to regulate the expenditure of certain revenues of said county," with power to report complete, reported the same complete, with amendments, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act in relation to the boundary line between the town of Geddes and the city of Syracuse," reported in favor of the passage of the same.

On motion of Mr. Sanford and by unanimous consent, the rules were suspended and said bill was recommitted to the same committee, to report complete, two-thirds of all the Senators present voting in favor thereof.

Mr. Montgomery, from the committee on engrossed bills, reported as correctly re-engrossed, the bill entitled as follows :

"An act to encourage the investment, in small sums, by the people of this State in the stocks of the State."

Also as correctly engrossed :

"An act defining and regulating the powers, duties and compensation of the Captain of the port and Harbor Masters of the port of New York."

By unanimous consent, Mr. Tobey offered the following resolution :

*Resolved*, (if the Assembly concur,) That his Excellency the Governor be and hereby is requested to transmit to the President of the United States a copy of the act passed by the present Legislature, entitled "An act to adapt the canals of this State to the defense of the Northern and Northwestern lakes," and to take such measures as he may find necessary and proper for inviting the attention of the General Government to the measures therein proposed, and their great importance to the National interests.

On motion of Mr. Tobey and by unanimous consent, the rules were suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

A message from the Assembly was received and read, informing that they had agreed to the report of the committee of conference on the bill entitled "An act dividing the State into Congressional districts."

Mr. Munroe moved that the Senate concur.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Farrar	Little	Richards	Tobey
Bradley	Folger	Low	Sanford	Woodruff
Cook	Freer	Montgomery	Smith	Young
Cornell	Hardin	Munroe		

18

#### FOR THE NEGATIVE.

Angel	Hutchinson	Murphy	Pruyn	Robertson
Ganson				

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the report of the committee of conference.

By unanimous consent, Mr. Bradley presented a remonstrance of the Chamber of Commerce of New York, against the passage of the Assembly Assessment bill, which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Bradley moved that the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation," be recommitted to the New York delegation, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Low moved that the Senate now go into committee of the whole on the Assembly bill entitled "An act to protect the harbor of New York against invasion, and provide for the public defence."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Bell moved that the Assembly bill entitled "An act to provide means for the support of Government, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the 5th day of August, 1861," be referred to the same committee.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

By unanimous consent, Mr. Murphy moved that the Senate go into executive session at 2 o'clock P. M.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Angel and by unanimous consent—

*Resolved*, That the Hon. James A. Bell be, and is hereby appointed President *pro tem.* of the Senate during the residue of the year.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bills entitled as follows:

"An act to protect the harbor of New York against invasion, and provide for the public defence."

"An act to provide means for the support of Government, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the 5th day of August, 1861."

After some time spent therein, the President resumed the chair, and Mr. Montgomery, from said committee, reported progress on the first named bill, and asked and obtained leave to sit again.

Mr. Montgomery, from the same committee, reported in favor of the passage of the last named bill, without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Bell, from the committee of conference to which were referred the matters in difference between the two Houses on the Assembly bill entitled "An act making appropriations for certain expenses of Government," reported that they had conferred with the committee from the Assembly, and agreed to the following report:

The Senate recede from their amendment, and the following paragraph is restored:



"To the Inspectors of State Prisons, for extra traveling expenses, seven hundred and fifty dollars."

The appropriation to Mr. Mink is amended, to read thus, (p. 6.):

"To William H. Mink, for services as Superintendent of the State Hall for the years 1860 and 1861, two hundred dollars."

The appropriation on page 6, line 35, is amended, as follows:

"To the Clerk of the Senate, for extra clerical hire and engrossing, four hundred dollars; and for properly indexing the journal and documents of the Senate, two hundred and fifty dollars."

The following paragraph is restored:

"To Mrs. Gray and Mrs. Moran, the women employed in cleaning the State Library and the several rooms connected with the same, fifty dollars."

The following paragraph is recommended for concurrence:

"The sum of one hundred and fifty dollars is appropriated to Nathaniel Goodwin for extra services."

The Senate recede from the appropriation of two hundred dollars to Charles G. Fairman.

Amend the appropriation to the Clerk of the Assembly so as to read thus:

"To the Clerk of the Assembly, for extra clerical hire and engrossing, four hundred dollars; and for properly indexing the journal and documents of the Assembly for the present session of the Legislature, two hundred and fifty dollars."

On page 10, line 35, amend the paragraph so as to read thus:

"For expenses of committee of privileges and elections of the Assembly when absent from the city of Albany, pursuant to the resolution of the Assembly, three hundred and thirty-seven dollars; and for the hire of stenographer, forty-eight dollars and fifty-three cents."

On page 11, (line 6,) of the manuscript bill, the committees recommend concurrence:

"Strike out 'forty' and insert 'ninety.'"

The following paragraph, struck out by the Senate, is recommended to be restored:

"To Benjamin E. Bowen, for reimbursement of legal costs recovered against him by the Bank of Salina, in defending his title to lands purchased at a sale of lands for non-payment of taxes, said sale having been annulled by the Supreme Court, one hundred and eighty-six dollars and sixteen cents."

Both committees recommend concurrence in the following, (page 11,) in the following form:

"For expenses in full of Geo. W. Patterson, John C. Green and Charles A. Peabody, Quarantine Commissioners, three thousand dollars, or such portion of that amount as the Comptroller shall find due for such expenses."

The 34th, 35th and 36th lines, on the same manuscript page, is proposed to be amended, as follows:

"To the Commissioners of the Land Office, two thousand five hundred dollars, or so much of that amount as may be necessary to pay on account of the interest on the first lien of \$30,000 on the Agricultural College at Ovid; and said commissioners shall report to the next Legislature the situation and value of the said college, farm and buildings, and the outstanding indebtedness."

The Senate recedes from its action on the following paragraph:

"To the Receiver of the Bank of Sing Sing, \$23,616, being a claim for moneys alleged to have been advanced to the agent of the State prison at Sing Sing for the use of that prison, provided that it shall appear by the

certificate of the Attorney General, Comptroller and Secretary of State, or any two of them, that the moneys so advanced were disbursed for the use of said prison, and that the claim is just and equitable, and unless the commissioners appointed by the Legislature of 1860 shall have examined and passed upon the same. The Attorney General, Comptroller and Secretary of State, or a majority of them, are authorized and empowered, in order to effect a settlement of said claim, to allow and set off the amount of the same and deduct it from the claim of the State against said bank; provided that the Receiver, or the sureties for said bank to the State, shall pay into the treasury the remainder due to the State, after deducting the amount of the aforesaid claim, or such portion of it as shall be found to be just and equitable."

The committees recommend concurrence in the following paragraph, in the following words:

"To Benjamin F. Hall, for services rendered as clerk to the committee on State prisons of the Assembly of 1859, inclusive of ninety-seven dollars paid by him for expenses, two hundred and fifty dollars."

The following paragraph is recommended for concurrence:

"For compensation and expenses of the Board of Engineers, seven in number, convened in the month of December, 1861, to consider and report upon plans for the defense of the harbor of New York, and for other expenses connected with the same, two thousand dollars, or so much of that amount as shall be necessary, to be paid on the certificate of the Governor, with a detailed statement of services and expenses."

Also the following:

"To James Hay, in full for all claims as heir to the estate of John G. Leake, deceased, escheated to the State, two thousand five hundred dollars, to be paid on his full relinquishment of all claims to the said estate, on his own part and in behalf of all persons whom he represents in this matter."

The committees recommend concurrence in the following:

"To Charles Van Benthuyzen, for printing, binding and delivering one thousand five hundred copies of the Catalogue of the State Library, three thousand five hundred and four dollars and eighty-five cents; for engraving on stone, for paper, and printing in lithography, the plates for the 4th vol. of the Palæontology of the State, one thousand three hundred and thirty-two dollars and seventy-five cents; and for printing, binding and delivering two thousand nine hundred and eighty copies of the 3rd volume of the Palæontology, four thousand and forty-two dollars and fourteen cents, according to a contract to be found in the 54th page of No. 9 of the Assembly documents of 1850."

"To Weed, Parsons & Co., in full for printing and binding the 2d vol. of the Journal of the Legislative Council of the Colony of New York, together with the index to the work, four thousand seven hundred and seventy-four dollars and fourteen cents."

"To E. B. O'Callaghan, for six and a half months of services in superintending the printing of the Journal of the Legislative Council of New York, and for preparing the index of the same, eight hundred and twelve dollars and fifty cents; and to Thomas McLaughlin, for assisting in preparation of said index, sixty-six dollars and sixty-six cents."

The committees also recommend concurrence in the following, as here amended:

"For expenses incident to the transportation, care and supplies of hospital for sick and wounded soldiers belonging to this State, in cases in which no provision shall have been made for such purposes by the Government of the United States, to be considered a charge against said govern-

ment, and for the removal of the remains of officers slain in battle, or dying while in service, thirty thousand dollars, to be paid on the certificate of the Governor, in each particular case stating that from the attending circumstances it should be a public charge."

"To William H. Anthon, Judge Advocate General, to reimburse him for copying and other clerical services, one hundred and fifty three dollars and sixty-one cents."

Also the following:

"For the purchase of the General Regulations, and of the United States Infantry Tactics, one thousand dollars."

Also the following:

"To Charles Van Benthuyssen, for the remainder of the assigned claim of R. M. Griffin & Co., for job printing done by order of Gideon J. Tucker, then Secretary of State, one thousand one hundred and eighty-one dollars and forty cents, or such portion of that amount as the Comptroller, Attorney General and Lieutenant Governor, or a majority of them, on examination of the several items, shall find to be justly due."

The committees recommend that the Senate recede from the following amendments:

"To Thomas Gunning, for disbursements and costs recovered by him in a suit brought against him for alleged violation of the 42d section of the act entitled 'An act to amend an act entitled 'An act to establish a Metropolitan police district, and to provide for the government thereof, passed April 15, 1857,' passed April 10, 1860,' forty-nine dollars and thirty-one cents."

"To Charles J. Jack, for costs, disbursements and other expenses incurred and recovered in four certain actions brought by the district attorney of the county of Kings, in the name of the people, pursuant to the 21st section of the Metropolitan police act of 1857, etc., one thousand dollars, or such portion of that amount as the Comptroller and Attorney General shall find due."

The committees unite in recommending concurrence with the following amendment of the Senate, as amended, thus:

"To George H. Moore, for a manuscript copy of the missing Journals of the Legislature of New York during the colonial period, five hundred dollars, or such portion of that amount as the Regents of the University shall deem a fair remuneration; provided that the aforesaid copy shall be properly authenticated and shall supply whatever deficiency is now existing in said history, and that no further appropriation shall be necessary to accomplish the purpose of the one now made."

The following paragraph is also concurred in by the committees:

"To A. Strong & Co., proprietors of the Rochester Democrat and American, for the unpaid remainder due for advertising the monthly abstracts of the Superintendent of the 11th section of the Erie canal, in the year 1859, according to contract, one hundred and twenty dollars; and for advertising proposals for repairs upon the Champlain and Genesee Valley canal extension, in the month of June, 1860, to be paid upon the certificate of the Canal Commissioner authorizing the advertising, two hundred and twenty-four dollars and eighteen cents."

Also the following amendment of the Senate:

"To the Iroquois Agricultural Society, two hundred and fifty dollars."

The committees unite in recommending concurrence in the following amendment of the Senate:

"For repairing the piers and taking care of the canal harbor at the entrance of the Cayuga and Seneca canal into Seneca lake, to be paid from

the funds appropriated for ordinary repairs of said canal, and expended under direction of the Canal Commissioners, five thousand dollars, or such portion of that amount as shall be necessary."

Also the following:

"To Alexander Ostrander, for rent of rooms to the select committee of the Assembly of 1861, appointed to investigate the matter of opening of streets in the city of New York, two hundred dollars."

"To Robert P. Parrott, for shells and other projectiles furnished the State, eight thousand four hundred and seventy-two dollars and fifty cents."

The committees recommend that the Senate recede from the following amendments:

"To the trustees of the People's College, ten thousand dollars per year for two years, in the manner and on the conditions provided by chapter — of the Laws of 1862, and not in addition to the appropriation thereby made."

"To the trustees of the Troy University, five thousand dollars a year for two years, in the manner and on the conditions provided by chapter — of the Laws of 1862, and not in addition to the appropriation thereby made."

The committees recommend both Houses to concur in the following amendment, as further amended by them:

"To Philip Phelps, three thousand dollars, on the recommendation of Azariah C. Flagg, Millard Fillmore, Washington Hunt, John C. Wright, James M. Cook, Lozenzo Burrows and Robert Denniston, who have all respectively held the office of Comptroller of this State, in recognition of the faithful services of the said Philip Phelps as deputy in the said Comptroller's office for more than thirty years past, and as compensation for the same, in addition to the amount heretofore received by him."

All which is respectfully submitted for the favorable consideration of the Senate and Assembly.

JAMES A. BELL,  
HENRY C. MURPHY,  
CHAUNCEY M. ABBOTT,  
*Senate Committee.*

C. T. HURLBURD,  
ROYAL PHELPS,  
N. E. DARROW,  
J. M. ACKLEY,  
TRACY BEADLE,  
*Assembly Committee.*

Mr. Bell moved that the Senate agree to the report of the committee.

Mr. Truman called for a division of the question so far as relates to the item for Benjamin E. Bowen.

The President put the question whether the Senate would agree to the report of the committee, except as to appropriation to Benjamin E. Bowen, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE

Abbott	Connolly	Hardin	Munroe	Robertson
Angel	Cook	Hutchinson	Murphy	Sanford
Bailey	Farrar	Little	Pruyn	Smith
Bell	Folger	Montgomery	Richards	Young
Bradley	Freer			

21

## FOR THE NEGATIVE.

Ganson

1

The President then put the question whether the Senate would agree in concurring in the report of the committee as to appropriation for Benjamin E. Bowen, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Abbott  
Angel  
Bell  
Bradley

Connolly  
Cornell  
Farrar  
Freer

Hardin  
Little  
Low

Murphy  
Pruyn  
Ramsey

Robertson  
Sanford  
Smith

17

## FOR THE NEGATIVE.

Bailey  
Cook  
Folger

Ganson  
Hutchinson

Montgomery  
Munroe

Richards  
Tobey

Truman  
Young

11

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed to the report of the committee of conference.

The President announced as the committee of conference on the part of the Senate, on the bill to amend the Code of Procedure—Messrs. Angel, Folger and Hardin.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

By unanimous consent, Mr. Bell offered the following resolution :

*Resolved*, That a committee of three be appointed to examine the Assessment and Taxation Laws of this and other States, with power to employ such assistance as may be necessary to enable them to present to the next Legislature, in as clear and concise manner as a full comprehension of the subject requires, a bill that shall remedy the present defects in our existing laws on this subject.

Mr. Truman moved to amend by striking out "three" and inserting "five."

The President put the question whether the Senate would agree to said motion of Mr. Truman, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the affirmative.

On motion of Mr. Truman, the Senate took a recess until 5 o'clock.

## FIVE O'CLOCK, P. M.

The Senate again met.

By unanimous consent, Mr. Bell moved that the Assembly bill entitled "An act to provide means for the support of Government, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the 5th day of August, 1861," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority

of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Freer	Munroe	Sanford
Angel	Connolly	Ganson	Murphy	Tebey
Bailey	Cook	Hardin	Pruyn	Truman
Bell	Cornell	Low	Ramsey	Woodruff
Bradley	Folger	Montgomery	Richards	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The President announced as the select committee on revising the laws for assessment and collection of taxes—Messrs. Bell, Folger, Ganson, Murphy and Low.

By unanimous consent, Mr. Ganson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to provide for the collection of demands against ships and vessels," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Ganson	Montgomery	Sanford
Angel	Connolly	Hardin	Munroe	Smith
Bailey	Cook	Hutchinson	Murphy	Tobey
Bell	Folger	Little	Pruyn	Truman
Bradley	Freer	Low	Richards	24

*Ordered*, That the Clerk return said bill to the Assembly with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Murphy moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to incorporate the New York Warehouse and Security company," and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Clark	Low	Pruyn	Sanford
Angel	Connolly	Munroe	Ramsey	Smith
Bailey	Cornell	Murphy	Robertson	Woodruff
Bradley	Freer			17

## FOR THE NEGATIVE.

Cook	Hardin	Little	Richards	Truman
Folger	Hutchinson	Montgomery	Tobey	Young
				10

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to repeal chapter 312 of the Laws of 1859," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the courts in the city and county of New York," reported in favor of the passage of the same, and said bill was committed to the committee of the whole.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act to amend article 2 of title 5 of chapter 6 of part 3 of the Revised Statutes, entitled 'Of executions against property,'" reported in favor of the passage of the same, with amendments.

On motion of Mr. Angel and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Smith
Angel	Cook	Hutchinson	Prayn	Tobey
Bailey	Cornell	Low	Richards	Truman
Bell	Freer	Montgomery	Sanford	Young
Bradley	Ganson			

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the bill entitled "An act in regard to divorces dissolving the marriage contract," reported adversely thereto, which report was agreed to and said bill rejected.

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act for the relief of Jacob Roth," reported in favor of the passage of the same, with amendments.

On motion of Mr. Connolly and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Montgomery	Sanford
Bradley	Cornell	Hardin	Munroe	Smith
Clark	Folger	Hutchinson	Prayn	Truman
Connolly	Freer	Little	Richards	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

The Assembly sent for concurrence the following resolution:

*Resolved*, (if the Senate concur,) That this Legislature adjourn on Tuesday 22d inst., at 6 o'clock P. M.

By unanimous consent, Mr. Munroe moved that the rules be suspended in order that said resolution might be considered immediately.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Munroe moved to amend by striking out the word "six," and inserting in lieu thereof the word "ten."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Freer moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act for the establishing academical departments in the different 'Union Free Schools' and other institutions of learning in this State," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Bailey	Cook	Hardin	Montgomery	Sanford
Bell	Farrar	Hutchinson	Munroe	Smith
Bradley	Freer	Little	Pruyn	Truman
Clark	Ganson	Low	Robertson	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Young called for the consideration of the following resolution :

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be and he is hereby directed to make an examination and survey of the Allegany river from the termination and junction with the said river and the Genesee Valley canal to the mouth of the Great Valley creek, past and near the crossing of the Buffalo and Bradford railroad, and to report to the next Legislature the practicability of making slack water navigation on said river between the two points named, and the probable cost of the same.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

Mr. Pruyn offered the following resolution :

*Resolved*, That the Senate do cordially concur in the views of the Commissioners of the Canal Fund, contained in their late report to the Senate, affirming it to be the duty of the State to pay the principal and interest of the State debt in coin or its equivalent.

*Resolved*, That 3,000 extra copies of the said report be printed for the use of the Senate.

Mr. Cook moved that said resolution be referred to the committee on banks.



The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

On motion of Mr. Richards—

*Resolved*, That a committee of three be appointed whose duty it shall be to visit the State prisons, and the Asylum for Insane Convicts, during the recess of the Legislature, to examine into the condition and affairs, discipline and management of said prisons and of said asylum, and all matters connected therewith, with power to send for persons and papers, and to examine on oath all persons they may summon before them for that purpose.

By unanimous consent, Mr. Munroe moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to provide for the formation of societies for the prevention of horse stealing," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Bell	Cornell	Hutchinson	Pruyn	Tobey
Bradley	Farrar	Montgomery	Richards	Truman
Clark	Freer	Munroe	Sanford	Woodruff
Connolly	Ganson	Murphy	Smith	Young
Cook				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

The President announced as the select committee to visit State prisons and Lunatic Asylum during the recess of the Senate—Messrs. Bailey, Tobey and Pruyn.

By unanimous consent, Mr. Cornell, from the select committee consisting of the Senators from New York, to which was referred the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

By unanimous consent, Mr. Hutchinson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act for the relief of Murty McCarty and Jeremiah McCarty," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof and three-fifths of said members being present, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Munroe	Smith
Bailey	Cornell	Hutchinson	Murphy	Truman

Bradley	Farrar	Little	Prun	Woodruff	
Clark	Folger	Montgomery	Richards	Young	
Connolly	Freer				22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

On motion of Mr. Munroe—

*Resolved*, That the treasurer of the New York State Inebriate Asylum report to the Senate, at its next session, a full statement of the affairs of said institution, the amount of money received and how expended, the position, prospects and all other matters of interest pertaining to said asylum.

The Assembly returned the bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river,' passed April 13, 1858," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out section 2, and insert the following in lieu thereof:

"Section 2 of said act is hereby amended so as to read as follows:

"The sum of twenty-five thousand dollars is hereby appropriated in addition to the money already expended upon said work, for the completion of the same; but no part of said twenty five thousand dollars shall be expended by said Canal Commissioners, except upon a contract that will insure the entire completion of said work within said additional appropriation."

Mr. Cook moved that the Senate concur in said amendments.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Freer	Murphy	Truman	
Bradley	Cornell	Hutchinson	Prun	Woodruff	
Clark	Farrar	Munroe	Smith	Young	
Connolly					10

#### FOR THE NEGATIVE.

Bell  
Mr. Cook moved to reconsider said vote, and to lay that motion on the table.

The President put the question whether the Senate would agree to said motion to lay on the table, and it was decided in the affirmative.

Mr. Cook moved to take from the table the motion to reconsider the vote on said bill.

The President put the question whether the Senate would agree to said motion to take from the table, and it was decided in the affirmative.

The President put the question whether the Senate would agree to said motion to reconsider, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Ganson	Munroe	Smith	
Bailey	Cook	Hutchinson	Prun	Tobey	
Bell	Farrar	Little	Richards	Truman	
Clark	Freer	Montgomery	Sanford	Young	20

The President then put the question whether the Senate would agree in concurring in the amendments of the Assembly to said bill, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Cook	Ganson	Munroe	Tobey
Bailey	Cornell	Hutchinson	Prun	Truman

Bradley  
Clark  
Connolly

Farrar  
Freer

Little  
Montgomery

Richards  
Sanford

Woodruff  
Young

21

*Ordered.* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments.

Mr. Bradley moved that the Assembly bill entitled "An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes; also to regulate the expenditure of certain revenues of said county," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott  
Bailey  
Bell  
Bradley  
Connolly

Cornell  
Farrar  
Freer  
Ganson

Hutchinson  
Little  
Montgomery  
Murphy

Pruyn  
Richards  
Sanford  
Smith

Tobey  
Truman  
Woodruff  
Young

21

*Ordered.* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Sanford called for the consideration of the following resolution from the Assembly:

*Resolved,* (if the Senate concur,) That there be printed of the Transactions of the American Institute, for the year 1861, twenty-five copies for each member, officer and reporter of the Legislature; 750 copies for said Institute; twenty copies for each County Agricultural society in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly; ten copies for each Town Agricultural society, and fifty copies for the Regents of the University for exchange.

Mr. Munroe moved to amend by adding: "and that they be printed and bound in the same manner as last year, in accordance with the foregoing resolution, immediately."

The President put the question whether the Senate would agree to said motion to amend, and it was decided in the affirmative.

The President then put the question whether the Senate would agree to said resolution as amended, and it was decided in the affirmative.

*Ordered.* That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Pruyn, from the committee on literature, to which was referred so much of the message of his Excellency the Governor as relates to the introduction of works on military tactics as text books into the higher institutions of learning, reported in writing, which report was laid on the table and ordered printed.

(See Doc. No. 118.)

On motion of Mr. Folger—

*Resolved,* That the several county treasurers in this State, are hereby required to report to this Senate under oath, at its next session, the amount of all their fees, profits and income from any and all sources, from the 1st

day of January, 1862, to the 1st day of January, 1863, and that they particularize the amount from each source, and especially that they report how much they have received from interest or from the pay for the use of any public moneys or funds, and that said report be made on or before the 15th day of January, 1863; and that the Clerk of the Senate transmit a copy of this resolution to each of the said county treasurers.

The Assembly returned the following entitled bills, with a message that they had concurred in the passage of the same, without amendment:

"An act in relation to the Susquehanna seminary at Binghamton."

"An act to amend an act entitled 'An act authorizing a loan of certain moneys belonging to the United States deposited with the State of New York for safe keeping, passed April 4, 1837,' and to amend certain sections of the acts amendatory thereof."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto:

"An act to exempt St. John's College, in the town of West Farms, county of Westchester, from the school tax."

"An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a Union School therein."

"An act to establish a tribunal of conciliation in the sixth judicial district."

"An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins."

"An act to prevent fraud in the opening and laying out of streets and avenues in the city of New York."

*Ordered*, That the Clerk return said bills to the Assembly.

The Assembly returned the following entitled bill:

"An act to release the interest of the people of the State of New York in certain lands to Charles G. Gere."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the resolution requesting his Excellency the Governor to transmit to the President of the United States, a copy of the act entitled "An act to adapt the canals of this State to the defence of the Northern and Northwestern lakes," with a message that they had concurred in the passage of the same, without amendment.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Robertson moved that the Senate now go into executive session.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The Senate then went into executive session, and after some time spent therein, the doors were opened and legislative business resumed.

Mr. Richards moved that the Senate take a recess until half-past eight.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative.

Mr. Cornell moved that the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation," now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Clerk was proceeding to the third reading of said bill, when Mr. Cook moved to recommit, with instructions to amend by striking out all items not recommended by the comptroller of the city. and report back forthwith.

The President put the question whether the Senate would agree to the motion to recommit, and it was decided in the affirmative.

The Assembly returned the resolution to print extra copies of the Transactions of the American Institute, with a message that they had concurred in the amendments of the Senate thereto.

*Ordered*, That the Clerk return said resolution to the Assembly.

A message from the Assembly was received, informing that they had agreed to the report of the committee of conference on the bill to amend the Code of Procedure.

The message having been read—

Mr. Angel moved that the Senate concur in agreeing to the report of the committee of conference.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Abbott	Connolly	Freer	Low	Sanford
Angel	Cook	Ganson	Montgomery	Smith
Bailey	Cornell	Hardin	Munroe	Tobey
Bell	Farrar	Hutchinson	Pruyn	Truman
Bradley	Folger	Little	Richards	Woodruff
Clark				

26

#### FOR THE NEGATIVE.

Young

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have agreed in the report of the committee of conference.

The Assembly returned the following entitled bills, with a message that they had concurred in the amendments of the Senate thereto :

"An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes ; also to regulate the expenditure of certain revenues of said county."

"An act to provide for the collection of demands against ships and vessels."

"An act to provide means for the support of Government, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the 5th day of August, 1861."

"An act to provide for the enrolment of the militia, the organization and discipline of the National Guard of the State of New York, and for the public defence."

*Ordered*, That the Clerk return said bills to the Assembly.

Mr. Connolly moved to reconsider the vote recommitting the Assembly bill entitled "An act to enable the supervisors of the county of New York to raise money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Connolly moved to amend the motion to recommit, so as to strike out only the item in relation to Edward Jones.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Mr. Cornell reported said bill back amended as directed by the Senate.

Mr. Cook moved to recommit said bill, with instructions to amend by striking out all items not recommended by the comptroller of the city of New York, and report back forthwith.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Bailey	Folger	Hutchinson	Munroe	Tobey
Bell	Ganson	Little	Richards	Truman
Cook	Hardin	Montgomery	Smith	Young
Farrar				

16

## FOR THE NEGATIVE.

Abbott	Bradley	Cornell	Low	Robertson
Angel	Connolly	Freer	Prayn	Woodruff

10

Mr. Woodruff, from the select committee consisting of the Senators from the city and county of New York, reported the same back as recommended as directed by the Senate.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Connolly	Hardin	Munroe	Sanford
Angel	Cook	Hutchinson	Murphy	Smith
Bailey	Cornell	Little	Prayn	Tobey
Bell	Folger	Low	Richards	Truman
Bradley	Freer	Montgomery	Robertson	Young
Clark	Ganson			

27

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

Mr. Low moved that the Senate now go into committee of the whole on the Assembly bill entitled "An act to protect the harbor of New York against invasion, and to provide for the public defence."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of said bill.

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress and asked and obtained leave to sit again.

Mr. Truman moved that said bill be made the special order for to-morrow morning at 9 o'clock, and that the Senate hold a session at that hour.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Mr. Truman offered the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature adjourn at eleven o'clock A. M., on Wednesday the 28d instant, *sine die*.

*Ordered*, That said resolution be laid on the table.

A message from the Assembly was received and read, in the words following, to wit :

IN ASSEMBLY, April 22, 1862.

The bill entitled "An act to facilitate the construction and extend the time for the completion of the Albany and Susquehanna railroad," having been read—

Mr. Speaker put the question "Shall this bill become a law notwith-

standing the objections of the Governor?" and it was decided in the negative, two-thirds of all the members present not voting in favor thereof.

By order.

J. B. CUSHMAN, Clerk.

Mr. Hardin moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend section 18 of title 1, chapter 4 of part 2d of the Revised Statutes," and that said bill now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

On motion of Mr. Murphy and by unanimous consent, said bill was amended by adding the following:

"Section 2. Section nine of said title is hereby amended so as to read as follows:

"The partners shall publish the terms of the partnership when registered, for at least six weeks immediately after such registry, in two newspapers, to be designated by the clerk of the county in which such registry shall be made, and to be published in the Senate district, or city or town in which their business shall be carried on; and if such publication be not made, the partnership shall be deemed general."

Said bill, as amended, was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Bradley	Freer	Montgomery	Sanford
Angel	Connolly	Ganson	Murphy	Smith
Bailey	Cook	Hardin	Pruyn	Tobey
Bell	Folger	Hutchinson	Richards	Young

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendment.

By unanimous consent, Mr. Murphy moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act in relation to the disposition of burial plots in the Lutheran cemetery at Middle village, Queens county, Long Island," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

#### FOR THE AFFIRMATIVE.

Abbott	Connolly.	Freer	Montgomery	Smith
Angel	Cook	Ganson	Murphy	Tobey
Bailey	Cornell	Hardin	Pruyn	Truman
Bell	Folger	Hutchinson	Sanford	Young

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

On motion of Mr. Truman, the Senate adjourned.

## WEDNESDAY, APRIL 23, 1862.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Wyckoff.

The journal of yesterday was read and approved.

The Assembly returned the following entitled bill, with a message that they had non-concurred in the passage of the same :

"An act to provide for the appraisement of canal damages sustained by Jane C. Wilson, Francis H. Rosseel, Charles Townsend, Charles Townsend, 2nd, Louis Townsend, George Townsend, George Coit, Hiram E. Howard and George Palmer, by reason of raising the canal bridge over the Erie canal on Prime street, in the city of Buffalo, Erie county, and by the raising of the grade of Prime street in said city."

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto :

"An act for the relief of John Roth."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill, with a message that they had concurred in the passage of the same, without amendment :

"An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river,' passed April 13, 1858."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Assembly returned the following entitled bill, with a message that they had agreed to the report of the conference committee :

"An act making appropriations for certain expenses of Government."

*Ordered*, That the Clerk return said bill to the Assembly.

The Assembly returned the following entitled bill :

"An act to amend the Code of Procedure, and to extend the term of office of the Commissioners of the Code, appointed under the act of April, 1857, and to repeal section 37, article 2, title 2, chapter 1, part 3 of the Revised Statutes."

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Truman called for the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That the Legislature adjourn at eleven o'clock A. M., on Wednesday 23d instant, *sine die*.

The President put the question whether the Senate would agree to the adoption of said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Assembly, and request their concurrence therein.

By unanimous consent, Mr. Connolly moved that the Assembly bill entitled "An act in relation to the courts in the city and county of New York," be recommitted to the committee on the judiciary, to report complete.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two thirds of all the Senators present voting in favor thereof.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto.

"An act to amend section 13 of title 1, chapter 4 of part 2nd of the Revised Statutes."

*Ordered*, That the Clerk return said bill to the Assembly.



The Senate then resolved itself into a committee of the whole, and proceeded to the consideration of the special order, being the Assembly bill entitled as follows:

"An act to protect the harbor of New York against invasion, and provide for the public defence."

After some time spent therein, the President resumed the chair, and Mr. Bailey, from said committee, reported progress and asked leave to sit again.

Mr. Murphy moved that the Senate disagree with the report of the committee, and that the bill be ordered to a third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows:

**FOR THE AFFIRMATIVE.**

Angel	Cornell	Little	Pruyn	Smith	
Bradley	Freer	Murphy	Robertson	Truman	
Connolly	Hutchinson				12

**FOR THE NEGATIVE.**

Abbott	Cook	Hardin	Ramsey	Tobey	
Bailey	Folger	Montgomery	Richards	Young	
Clark	Ganson	Munroe	Sanford		14

The President then put the question whether the Senate would agree to grant leave to sit again, and it was decided in the affirmative.

The Assembly returned the resolution relating to final adjournment, with a message that they had concurred in the passage of the same, without amendment.

By unanimous consent, Mr. Hardin, from the committee on cities and villages, to which was referred the Assembly bill entitled "An act in relation to the boundary line between the town of Geddes and the city of Syracuse," with power to report complete, reported the same complete, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Ramsey and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the negative, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

**FOR THE AFFIRMATIVE.**

Abbott	Bradley	Cook	Hutchinson	Robertson	
Angel	Clark	Farrar	Pruyn	Sanford	
Bailey	Connolly	Freer	Ramsey		14

**FOR THE NEGATIVE.**

Cornell	Ganson	Montgomery	Murphy	Young	
Folger	Little	Munroe			8

By unanimous consent, Mr. Folger, from the committee on the judiciary, to which was referred the Assembly bill entitled "An act in relation to the courts in the city and county of New York," with power to report complete, reported that they have made some amendments thereto, and amended the title as follows:—"An act in relation to the courts in the city and county of New York, and in relation to constables and marshals therein," and as amended, recommend its passage, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Folger and by unanimous consent, the rules were suspended and said bill was read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows:

## FOR THE AFFIRMATIVE.

Abbott	Clark	Folger	Montgomery	Richards
Angel	Connolly	Freer	Munroe	Sanford
Bailey	Cook	Ganson	Murphy	Tobey
Bell	Cornell	Hardin	Pruyn	Truman
Bradley	Farrar	Little	Ramsey	Young

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, with amendments.

Mr. Ramsey moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to revise the charter of the village of Binghamton," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Bell	Farrar	Hardin	Ramsey	Robertson
Clark	Folger	Pruyn	Richards	Smith
Connolly				

11

## FOR THE NEGATIVE.

Abbott	Bradley	Hutchinson	Murphy	Truman
Angel	Cornell	Montgomery	Sanford	Young
Bailey	Ganson	Munroe	Tobey	

14

Mr. Ganson moved that the committee of the whole be discharged from the further consideration of the Assembly bill entitled "An act to amend an act entitled 'An act to equalize the State tax among the several counties in this State,' passed April 14, 1859," and that the same now have its third reading.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative, two-thirds of all the Senators present voting in favor thereof.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of said members being present, as follows :

## FOR THE AFFIRMATIVE.

Abbott	Cook	Hardin	Munroe	Richards
Bell	Cornell	Hutchinson	Murphy	Sanford
Bradley	Folger	Little	Pruyn	Smith
Clark	Ganson	Montgomery	Ramsey	Young
Connolly				

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

On motion of Mr. Freer, the Senate took a recess until five minutes before eleven.

## FIVE MINUTES BEFORE ELEVEN.

The Senate again met.

The Assembly returned the following entitled bill, with a message that they had concurred in the amendments of the Senate thereto:

"An act to enable the supervisors of the county of New York to raise

money by tax for the use of the corporation of the city of New York, and to regulate certain expenditures of said corporation."

*Ordered*, That the Clerk return said bill to the Assembly.

Mr. Folger moved that a committee of two be appointed to wait upon the Assembly and inform that body that the Senate was ready to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed Messrs. Folger and Pruyn, as such committee.

Mr. Hutchinson moved that a committee of two be appointed to wait upon his Excellency the Governor and inform him that the Senate was ready to adjourn.

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

The President appointed Messrs. Hutchinson and Murphy, as such committee.

Mr. Hardin moved to reconsider the vote on the Assembly bill entitled "An act in relation to the boundary line between the town of Geddes and the city of Syracuse."

The President put the question whether the Senate would agree to said motion, and it was decided in the affirmative.

Said bill was then read a third time.

The President put the question whether the Senate would agree to the final passage of said bill, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Angel	Clark	Freer	Ramsey	Sanford
Bailey	Connolly	Hardin	Richards	Truman
Bell	Cook	Little	Robertson	Young
Bradley	Farrar	Montgomery		
				18

#### FOR THE NEGATIVE.

Ganson	Murphy	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in the passage of the same, without amendment.

A message from his Excellency the Governor, was received and read, in the words following, to wit:

STATE OF NEW YORK—EXECUTIVE DEPARTMENT. }  
ALBANY, April 23, 1862. }

*To the Senate*: I approved the bills bearing the following titles, at the dates respectively named:

April 1. "An act in relation to the support and custody of indigent persons of the county of Genesee."

1. "An act to authorize the election of three superintendents of the poor in the county of Genesee."

1. "An act to correct an error in the assessment of taxes in the city of Brooklyn."

1. "An act to amend an act entitled 'An act to amend the Revised Statutes in relation to laying out public roads and the alteration thereof, in the towns of North Castle, Bedford and Lewisboro, in the county of Westchester,' passed April 12, 1849."

1. "An act in relation to John Lent's cemetery."

1. "An act to limit the compensation of the members of the board of supervisors of the county of Monroe and Niagara."

- April 1. "An act for the protection of fish in the upper portion of the Niagara river."
2. "An act for the relief of Stephen Van Alstyne."
2. "An act to incorporate the firemen of the city of Schenectady, and for other purposes."
2. "An act to authorize Josephine Bargagli to take, hold and convey real estate."
2. "An act for the relief of Francis M. McFarlin and others."
2. "An act to regulate the use of public highways."
2. "An act conferring additional powers upon the trustees and taxable inhabitants of the village of Fort Edward."
2. "An act to empower St. Patrick's Lodge, No. 4, of Free and Accepted Masons, in the village of Johnstown, to take, hold and convey real estate and personal property."
2. "An act to amend an act entitled 'An act authorizing the Canal Commissioners to build a bridge over the Chenango canal, in the city of Utica.'"
2. "An act to appoint a trustee to receive and hold the bequest of Levi Farr, deceased, for the benefit of school district No. 4, in the town of Greene, Chenango county."
2. "An act for the relief of Louis Gabriel Jeanrenaud and Sophie Adele Jeanrenaud."
2. "An act to amend an act entitled 'An act to amend an act for the more effectual support and relief of the poor in the county of Fulton,' passed April 8, 1859."
2. "An act to incorporate Friendship hose company No. 2, of New Brighton, in the county of Richmond."
2. "An act requiring the highway tax of the New York Central railroad company, through the town of Mentz, to be applied to the repairs of certain highways in said town."
2. "An act to enable the electors of the town of Sullivan, Madison county, to vote by districts for town officers."
2. "An act for the relief of James Irving, and to release to him the interest of the people of the State of New York in certain real estate and premises in the city of Rochester, acquired by him by deed from Hugh McGowan, an alien."
2. "An act to amend the charter of the Knickerbocker Life insurance company."
2. "An act to authorize the towns of Manheim, Danube and Little Falls, in the county of Herkimer, to build a bridge across the Mohawk river, at a place called Fink's, at the foot of Fall Hill, in the town of Danube."
2. "An act in relation to the claim of Squire & John M. Whipple, for compensation for erecting a bridge superstructure over the Seneca river, at the village of Seneca Falls."
2. "An act to authorize the city of Brooklyn to fix and determine names and numbers for streets, avenues, etc., in said city."
2. "An act to provide for the election of a police constable in the village of Silver Creek."
2. "An act to incorporate Protection fire engine company No. 1, in Huntington, Suffolk county."
2. "An act in relation to the compensation of the superintendent of common schools in the city of Utica."
2. "An act to authorize the trustees of the village of Elmira to erect bridges over the Chemung canal, in said village."

- April 2. "An act in relation to the dividends of the Mutual Life insurance company of New York."
3. "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861."
3. "An act enabling the Tompkins county agricultural and horticultural society to draw their proportion of the moneys devoted to agricultural purposes from the State treasury."
3. "An act to extend the time of collecting moneys for town purposes in the towns of Suffolk county."
4. "An act to empower Holley Lodge, No. 140, of the Independent Order of Odd Fellows, of Northern New York, in the village of Holley, and county of Orleans, to hold and convey real and personal estate, and constitute the same a corporation."
4. "An act releasing the interest of the State in certain surplus moneys to Frederick Krutina, as administrator with the will annexed of William Keller, deceased."
4. "An act to re-appropriate certain moneys for the enlargement and completion of the canals."
4. "An act in reference to highway labor in the village of Oneonta, Otsego county."
4. "An act to incorporate the Columbian fire engine company, No. 1, in Spring Valley, Ramapo, Rockland county, State of New York."
4. "An act to incorporate the Brooklyn Pharimaceutical society of the city of Brooklyn."
4. "An act in relation to the superintendents of the poor in the county of Cayuga."
4. "An act for the relief of Susan Caldwell."
5. "An act permitting the Buffalo and Allegany Valley railroad company to extend their road, and to extend the time for building the same."
5. "An act to incorporate the Nanuet fire engine company, at Nanuet, town of Clarkstown, in the county of Rockland."
7. "An act to confirm the acts of the board of town officers of the town of Adams, county of Jefferson and State of New York, appointing Graham G. Grennel, Hiram S. Thompson and Orrin H. Rundell, as justices of the peace of said town; and to confirm the said appointees, respectively, in their offices as justices of the peace of said town."
7. "An act to incorporate the Newburgh Home for the Friendless."
8. "An act to repeal an act entitled 'An act in relation to conveyances and devises of personal and real estate for religious purposes,' passed April 9, 1855."
8. "An act to authorize the Greenwood Cemetery to sell and dispose of a gore of land owned by them, contained in the block bounded by the Fifth and Sixth avenues and Twenty-third and Twenty-fourth streets."
8. "An act to amend an act passed April 3, 1861, entitled 'An act supplemental to an act entitled An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."
8. "An act to enable the corporation of the village of Bath, Steuben county, to raise money for certain purposes."

April 8. "An act relative to the trial of offences committed against joint stock associations."

8. "An act to repeal certain sections of chapter 280 of the Laws of 1843."
8. "An act for the relief of Susan A. Schultz and Ida M. Schultz, infants, in certain lands devised to them by Daniel H. Schultz."
8. "An act to release the interest of the people of this State, in certain lands whereof John Johnson died seised, to John Johnson and James Johnson."
8. "An act authorizing a loan to the county of Warren, to be applied for the purposes specified in the act, chapter 274, Laws of 1861."
8. "An act to amend an act entitled 'An act to incorporate the Cayuga and Seneca road and bridge company,' passed April 18, 1843."
8. "An act for the relief of Benjamin B. Clapp, for canal damages."
8. "An act for the relief of Benjamin W. Whiteher."
8. "An act authorizing the appraisal and payment of canal damages to Patrick Buckley, caused by a break in the Champlain canal, in the town of Fort Edward, Washington county."
8. "An act to incorporate the Tompkinsville fire police company of the village of Tompkinsville, town of Castleton, Richmond county."
8. "An act to authorize clerks of boards of excise to take affidavits and acknowledgments in certain cases."
8. "An act to consolidate the towns of Savona and Bath, in the county of Steuben."
9. "An act to reduce taxation in the city of New York, by applying to that purpose the surplus revenues of the sinking fund for the payment of interest on the city debt."
9. "An act for the relief of Hiram H. Walbridge, Gilbert Peterson and Charles A. Danolds."
9. "An act to authorize the city of Schenectady to purchase a steam fire engine."
9. "An act to amend an act entitled 'An act to incorporate the Firemen's benevolent association of Buffalo,' passed March 23, 1837."
9. "An act to authorize the board of supervisors of the county of New York to raise money by loan, and to create a public fund or stock, to be called 'the New York county court house stock,' and to authorize the commissioners of the sinking fund to receive and purchase said stock."
9. "An act to confer additional powers upon the Metropolitan Police, relating to the inspection of steam boilers."
10. "An act relating to the enlargement and completion of the canals of this State, and to reduce the number and regulate the employment of engineers thereon."
10. "An act relating to superintendents of the poor and temporary relief, in Richmond county."
10. "An act to change the name of Jeremiah Truman Brown." (Not signed, but becomes a law by lapse of time.)
10. "An act to amend the act entitled 'An act concerning the rights and liabilities of husband and wife,' passed March 20, 1860."

- April 10. "An act to make the common schools free in district No. 5, in the county of Oneida, and to provide a tax for that purpose."
11. "An act to amend an act entitled 'An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, 1861, passed April 13, 1861.'"
  11. "An act to authorize the board of supervisors of the county of Kings to borrow money to erect a court house for said county."
  11. "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 17, 1860."
  12. "An act to confirm certain acts of the officers and constituted authorities of the town of New Lots, county of Kings and State of New York."
  12. "An act to regulate the size of apple, pear and potato barrels."
  12. "An act supplementary to an act passed April 16, 1860, and supplementary to an act passed April 3, 1861, to provide for re-building a bridge in the village of Adams, Jefferson county, and for raising money by tax for that purpose upon the town of Adams in said county."
  12. "An act to further amend an act entitled 'An act appointing commissioners to lay out a road between the village of Dunkirk and the village of Cherry Creek, in the county of Chautauqua,' passed April 13, 1857."
  12. "An act to amend an act entitled 'An act to incorporate the Long Island college hospital of the city of Brooklyn,' passed March 6, 1858."
  12. "An act for the appraisal of the damages of Nathaniel M. Sargeant, caused by a break in the Black river canal."
  12. "An act to amend the charter of the village of North Watertown, Jefferson county."
  12. "An act to authorize the extending of certain streets in the city of Brooklyn to the East river, and to the permanent bulkhead line."
  12. "An act to provide for the payment of the bonds issued by the city of New York for the defence of the National Union."
  12. "An act to authorize the county court or court of sessions of the county of Steuben, to make an order declaring Seymour S. Wood innocent of the crime of which he was convicted on the 11th day of June, 1842, and to provide that the record of the conviction shall not be used as evidence in the courts."
  12. "An act to incorporate the Board of Foreign Missions of the Presbyterian Church of the United States of America."
  12. "An act to incorporate the New York State Convention of Universalists."
  12. "An act to incorporate the mutual aid society of the East Genesee Annual Conference."
  12. "An act to amend an act entitled 'An act to constitute the village of Farmersville, in the county of Seneca, a separate road district, and to regulate the same,' passed April 14, 1860."
  12. "An act to repeal an act entitled 'An act to incorporate the Metropolitan medical college of the city of New York,' passed March 28, 1857."

April 12. "An act making an appropriation for the payment to the United States of the direct tax assumed by the State of New York, and also appropriating the proceeds of the tax levied in pursuance of chapter 277 of the Laws of 1861."

12. "An act to repeal an act entitled 'An act for the better regulation of a road in Bethlehem, Albany county,' passed April 8, 1861."

12. "An act in relation to warrants issued by county treasurers against defaulting collectors."

12. "An act in relation to the election of county superintendents of the poor in the county of Columbia."

12. "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860."

12. "An act to repeal chapter 410, passed April 14, 1860, and chapter 303, passed April 10, 1861, and to divide the crime of murder into two degrees, and to prescribe the punishment of arson."

12. "An act to amend an act entitled 'An act to supply Sing Sing prison with Croton water, and for the sale of certain lands of the State,' passed April 17, 1861."

12. "An act to amend an act entitled 'An act to authorize the laying of a double railroad track in the city of Brooklyn and the town of Newtown, in the county of Queens,' passed April 16, 1860."

12. "An act for the relief of families of volunteers in the service of the United States from the town of Salisbury, in the county of Herkimer."

12. "An act to authorize the town of Manheim to raise moneys to reimburse expenditures for volunteers in the service of the United States."

12. "An act to authorize the West Winfield bank to reduce its capital stock."

12. "An act to authorize the town of Herkimer to raise moneys to reimburse expenditures for families of volunteers in the service of the United States."

12. "An act for the relief of the families of the New York volunteers, in the town of Morristown."

12. "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

12. "An act to enable Cuyler Copeland and others to file claims with the Canal Appraisers, for canal damages, and to provide for the payment thereof."

12. "An act to amend an act entitled 'An act for the incorporation of the village of Oxford, and for other purposes,' passed April 6, 1808, and the acts amending the same."

12. "An act to authorize the construction and maintenance of a bridge over the Genesee Valley Canal, at Atkinson street, in the city of Rochester, upon certain conditions."

12. "An act to authorize the board of town auditors of the town of Southeast, in the county of Putnam, to provide for the relief of families of volunteers."



- April 12. "An act to amend an act entitled 'An act to amend an act entitled An act to vest certain powers in the freeholders and inhabitants of the village of Jamaica, in the county of Queens, passed April 25, 1814, and to enlarge the powers of the corporation of said village,' passed April 10, 1855."
12. "An act to amend an act entitled 'An act to establish the grade of Flatbush avenue, in the city of Brooklyn, and to conform the adjacent and intersecting streets thereto,' passed April 19, 1860."
12. "An act to facilitate the ingress of salmon into Cayuga lake, and for the protection of the same."
12. "An act to provide for keeping in repair the highway leading from the Sacandaga river to Mount Pleasant."
12. "An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district."
12. "An act to prevent abuses in town and county charges in criminal cases, in the county of Herkimer."
12. "An act to amend an act entitled 'An act relating to the support of the poor of Rensselaer county,' passed April 13, 1860."
12. "An act to authorize persons convicted of vagrancy in the county of Ontario, in certain cases, to be sentenced to the work-house in the county of Monroe."
12. "An act to regulate the taking of tolls upon the Geneva and Rushville plankroad."
12. "An act to authorize the board of supervisors of Monroe county to correct erroneous assessments for county or State taxes."
12. "An act to re-organize the State Asylum for Idiots, and to provide for the government and management thereof."
12. "An act to repeal an act entitled 'An act to promote the public health in the town of New Utrecht, in the county of Kings,' passed April 13, 1859."
12. "An act for the relief of Adden Bardin. George Hahn, Nathaniel P. Osborn and John Fabrig, for canal damages."
14. "An act to provide for the examination of the accounts of the Treasurer and other State officers."
14. "An act to release the interest which the State of New York may have acquired to the real estate of which Joseph Laville died seized, to his widow, Catharine Laville."
14. "An act to authorize and require the Comptroller of the State of New York to settle with the treasurers of Essex and Warren counties, in relation to rejected non-resident taxes."
14. "An act for the relief of Henry W. Best, a justice of the peace of the town of Cherry Valley, county of Otsego."
14. "An act granting and releasing all the right, title, and interest of the people of the State of New York in and to a messuage lot of land in the Nineteenth ward of the city of New York. to Augusta Teresa Arnold and Mary Ulrich."
14. "An act in relation to non-resident highway taxes upon certain lands in the county of Hamilton, and to provide for laying out and constructing a public highway in said county."
14. "An act to amend an act entitled 'An act to amend an act concerning the proof of wills, executors and administrators, guardians and wards and surrogate courts,' passed May 16, 1837."

April 14. "An act for the release of certain lands and real estate, of which Thomas Britton died seised, to Eleanor Britton, his widow."

14. "An act to authorize Hanson A. Risley, as late clerk of Chautauqua county, to sign the records made during his term of office as such clerk."

14. "An act to amend an act entitled 'An act for the better regulation of firemen in the city of Brooklyn,' passed February 17, 1857."

15. "An act to authorize the Watervliet turnpike company to construct and maintain a railroad on their present road, and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name."

15. "An act to provide for the payment of certain moneys expended in equipping the Twentieth regiment of New York State militia."

15. "An act to enable the people of this State to acquire certain lands, situate in the town of Ossining, in the county of Westchester, for the use of the Sing Sing prison."

15. "An act to release the interest of the State in certain lands of which John Turnbull died seised, to Margaret Turnbull."

15. "An act for the relief of Eliza Harrison, an alien."

15. "An act to amend an act entitled 'An act to authorize the improving and keeping in repair a certain highway in the county of Putnam, and to assess certain non-resident lands along the line of said road to pay the expense of keeping the same in repair,' passed March 24, 1857."

15. "An act to legalize the acts and proceedings of Samuel P. Marsh, as justice of the peace of the town of Verona, Oneida county."

15. "An act to incorporate the fire department of the village of Corning."

15. "An act to confirm certain acts of the officers and constituted authorities of the town of Newtown, county of Queens."

15. "An act to amend an act entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' passed March 23, 1853."

15. "An act making further provisions relative to encroachments upon highways."

15. "An act to provide for taxing dogs, and for the collection of such tax, and to create a fund to pay for injuries upon sheep occasioned by dogs."

15. "An act to amend an act entitled 'An act in relation to the auditing of accounts by the boards of supervisors of Onondaga and other counties, and the duties of certain officers in said counties,' passed March 26, 1861."

15. "An act to amend the provisions of the Revised Statutes in relation to jurisdiction over divorcees."

16. "An act to authorize the city of Brooklyn to issue bonds in payment of moneys borrowed for the equipment of volunteers and militia for the present war, and the support of their families."

16. "An act in relation to plank roads and turnpike roads."

17. "An act to alter the map of the late village of Williamsburgh, now part of the city of Brooklyn."

- April 17. "An act to amend an act entitled 'An act to incorporate the Citizens' savings bank of the city of New York,' passed April 5, 1860."
17. "An act relative to documentary evidence."
17. "An act to amend an act to increase the number of firemen in the village of Rhinebeck,' passed February 6, 1840."
17. "An act to cede the jurisdiction of this State to the United States over lands in the city of Buffalo."
17. "An act for the relief of John Lloyd."
17. "An act for the relief of the estate of David S. Collin, deceased."
17. "An act to authorize the appraisal and payment of canal damages to Conley M. Morgan and Carter H. Morgan."
17. "An act to authorize the appraisal and payment of canal damages to Walter O. Talcott."
17. "An act to enable the schools of the Childrens' Aid society to participate in the distribution of the Common School Fund."
17. "An act for the relief of Levi Bennett."
17. "An act for the relief of Otis Smith."
17. "An act for the relief of Allen T. Goldsmith, for canal damages."
17. "An act for the relief of James O'Brien."
17. "An act to authorize the appraisal and payment of canal damages to Samuel Morgan."
17. "An act to increase the auditing board of the town of Dunkirk, and to authorize the erection of a jail in said town."
17. "An act to provide for the licensing of ballast lighters in the port of New York."
17. "An act to amend an act entitled 'An act to amend and modify the several acts relating to the village of Newburgh, and to combine the same into one act,' passed May 25, 1836."
17. "An act to change the name of the town of Newark, in the county of Tioga, to Newark Valley."
17. "An act to incorporate the Homœopathic medical society of the State of New York."
17. "An act to amend the charter of the Excelsior fire insurance company, in the city of New York."
17. "An act in relation to certain school moneys and property of the 14th and 15th townships, in the county of Chenango."
17. "An act to amend chapter 505 of the Laws of 1860."
17. "An act for the release of certain lands and real estate of which Thomas Walmsley died seised, to Alexander Walmsley."
17. "An act to amend an act entitled 'An act to regulate the sale of poisons,' passed April 16, 1860."
17. "An act for the relief of Ebenezer Murdock."
17. "An act to amend an act in relation to the Glebe lands in the village of Newburgh, Orange county, passed April 10, 1855."
17. "An act to alter the Commissioners' map of the city of Brooklyn."
17. "An act for the relief of Russel Martin and Theodore H. Luckey, assignees of a contract to William McArthur, for the repairs of section No. 3, Genesee Valley canal."
17. "An act for the relief of John N. Elmore."
17. "An act for the better improvement of highways at Rockland lake and vicinity."

- April 17. "An act to provide for the better assessment of real estate for highway labor, and for the better working of the same, and for the better keeping highways in repair in the town of Seneca, in the county of Seneca."
17. "An act to regulate places of public amusement in the cities and incorporated villages of this State."
17. "An act to amend an act entitled 'An act to incorporate the Williamsburgh savings bank,' passed April 9, 1861."
17. "An act to alter and amend an act entitled 'An act to authorize the appointment of commissioners to take the proof and acknowledgment of deeds and other instruments, and to administer oaths in Great Britain and France, and other foreign countries.'"
17. "An act in relation to agricultural and horticultural associations."
17. "An act to amend chapter 427 of the Laws of 1855."
17. "An act to enable the president, directors and company of the Albany and Greene turnpike road to abandon a part of their road."
17. "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, and of the several acts amendatory thereof, so far as relates to the village of Middletown, in the county of Orange."
17. "An act in relation to the Union turnpike company."
17. "An act to change the name of the Rose Hill savings bank, in the city of New York."
17. "An act to prescribe the fire limits in the village of Newburgh."
17. "An act to amend the charter of the village of Geneseo."
17. "An act to change the name of the town of Bucktooth, in the county of Cattaraugus, to Salamanca."
17. "An act to provide for the collection of agricultural statistics in the several counties of this State."
17. "An act to amend an act entitled 'An act to amend and condense the several acts in relation to the village of Hamilton,' passed May 11, 1840, and to amend sub-division 3 of section 3 of chapter 297 of the Laws of 1859."
17. "An act for the relief of E. Norman Leslie, and to authorize the trustees of the village of Skaneateles to raise \$188 by tax."
17. "An act to legalize the election held in the village of Avon on the 4th day of March, 1862."
17. "An act to incorporate the fire department of the village of Owego."
17. "An act in relation to superintendents of the poor."
17. "An act to authorize the construction of a bridge over the Alleghany river, on the Indian Reservation, in the town of Carrollton, in the county of Cattaraugus."
17. "An act to amend an act entitled 'An act to provide for the incorporation of life and health insurance companies,' passed June 24, 1853, and to amend the several acts amending the same."
17. "An act for the relief of Frederick D. Van Wagenen."
17. "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."
17. "An act for the relief of Patrick Colwell."

April 17. "An act to declare the village of Belleville a separate road district."

17. "An act in relation to the First Congregational Church and Society of Moravia."

17. "An act to prevent and punish fraud in the use of false stamps, brands, labels or trade marks."

17. "An act to enable the commissioners of the Black river State road to re-levy certain taxes for the construction of said road."

17. "An act for the better support of roads and bridges in Saratoga Springs."

17. "An act relative to the annual meeting of the supervisors of Rensselaer county."

17. "An act for the relief of John Copeland, for damages caused by the overflow of the Erie canal."

17. "An act to amend the charter of the village of Hammondsport."

17. "An act to authorize the appraisal and payment of canal damages to Anne Sophia Hobby."

17. "An act to amend the charter of the New York Christian Benevolent Missionary Society, formed under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed March 12, 1848."

17. "An act to authorize and empower the president, managers and company of the Delaware and Hudson canal company to erect telegraph lines along the line of said company's canal."

17. "An act to authorize the trustees of Amsterdam village to transfer a portion of a highway, at or near that place, to the control of the town commissioners of the town of Amsterdam, in the county of Montgomery."

17. "An act to amend the charter of the Atlantic fire insurance company of Brooklyn."

17. "An act to amend an act entitled 'An act to incorporate a fire company in Union village, Washington county,' passed March 22, 1837."

18. "An act to provide the means to pay the indebtedness of the State incurred for the enlargement and completion of the canals, and to increase the revenue of the Sinking Fund, under section 3, article 7, of the Constitution."

18. "An act to amend the charter of the Schohariekill bridge company, and laws relating thereto."

18. "An act making an appropriation for the benefit of the Stockbridge Indians."

18. "An act for the relief of James Oswald and Daniel A. Van Valkenburgh."

18. "An act to authorize a loan to the town of Westfield."

18. "An act for the relief of Samuel Burns for canal damages."

18. "An act to provide for the opening and laying out of a highway in the towns of Wayne and Bradford, in the county of Steuben."

18. "An act for the relief of John C. Adams, for canal damages."

18. "An act for the relief of Peter Smith."

18. "An act for the relief of Richard Calrow, jr."

18. "An act for the relief of C. Amelia Vernam and McNeil Seymour, administrators of the goods, chattels and credits of Abraham Vernam, deceased."

April 18. "An act for the appraisal and payment of canal damages to Richard Claxton."

18. "An act for the relief of William Monteath."

18. "An act to authorize the payment of interest on certain canal drafts protested for non payment."

18. "An act to amend an act entitled 'An act to amend an act incorporating the village of Geneva, in the county of Ontario, passed May 6, 1837,' passed April 14, 1855."

18. "An act authorizing the appraisal and payment of damages to Amos Kelsey, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

18. "An act to authorize the trustees of the village of Dunkirk to pay certain military expenses, and to issue bonds for the same."

18. "An act to amend existing laws which prohibit fishing with nets in the Crooked lake, in the counties of Steuben and Yates, and to increase penalties for taking trout therefrom."

18. "An act authorizing the commissioners of highways, of the town of Westfield, Richmond county, to lay out and open a road in said town."

18. "An act in relation to the justices' courts and police courts in the city of Brooklyn."

18. "An act relating to awnings in the city of Brooklyn."

18. "An act to amend the act entitled 'An act to incorporate the village of Cleveland, Oswego county,' passed April 15, 1857, and its several amendments to enlarge its powers."

18. "An act to incorporate the Presbyterian committee of home missions of the General Assembly of the Presbyterian Church in the United States of America."

18. "An act relating to the jail and penitentiary in the county of Kings."

18. "An act to incorporate the Canandaigua Walton Club."

18. "An act to continue the incorporation of the Brooklyn Institute, to amend the charter thereof, and to consolidate the acts relating thereto."

18. "An act to incorporate the Starr institute."

18. "An act authorizing the appraisal and payment of canal damages to Andrew J. Rowley, caused by a break in the Erie canal, in the town of Gaines, Orleans county."

19. "An act to amend an act entitled 'An act to incorporate the New York college of veterinary surgeons,' passed April 6, 1857."

19. "An act to repeal chapter 739 of the Laws of 1857, and chapter 285 of the Laws of 1858, in relation to town insurance companies."

19. "An act in relation to the publication of notices by the Contracting Board."

19. "An act to repeal the charter of the Westfield and Chautauqua Lake plankroad company."

19. "An act authorizing the supervisor of the town of Hempstead to call a special town meeting to determine, by ballot, whether the public lands of said town (called the Hempstead Plains,) shall be sold or not."

19. "An act to amend an act entitled 'An act to extend the benefits of instruction to the blind, and for other purposes,' passed April 18, 1839."

- April 19. "An act to authorize the commissioners for loaning certain moneys from the United States, of the county of Ontario, to release certain land from the lien of a mortgage."
19. "An act to incorporate the Ten Broeck free academy."
19. "An act for the protection of bridges belonging to the State, or under its control."
19. "An act to incorporate the Exchange company of New York."
19. "An act to provide for the regulation and inspection of buildings, the more effectual prevention of fires, and the better preservation of life and property in the city of New York."
19. "An act to extend the time for the completion of the Erie and New York City railroad."
19. "An act to incorporate the American missionary association."
19. "An act to incorporate the New York commercial association."
19. "An act to renew the charter of the New York Institution for the Instruction of the Deaf and Dumb."
19. "An act to correct abuses in the city of New York, in the relaying of pavement by property owners and others, whenever a portion of the pavement is temporarily removed."
19. "An act to authorize the supervisors of Orleans county to raise money for the support of volunteers."
19. "An act to amend an act entitled 'An act in relation to certain streets, avenues and roads in the city of Brooklyn,' passed April 17, 1860."
19. "An act to close part of Partition street, in the Twelfth ward of the city of Brooklyn."
19. "An act to authorize the discharge of mortgages of record in certain cases."
19. "An act to amend the provisions of chapters 28 and 38, Session Laws of 1857, in relation to the addition of cash capital to existing funds of the Orient mutual insurance company."
19. "An act to amend an act entitled 'An act to provide for the incorporation of fire insurance companies,' passed June 25, 1853."
19. "An act to amend section 36 of article 2, title 10, chapter 8, of the third part of the Revised Statutes."
19. "An act for the relief of William Rumble and others."
19. "An act to amend the charter of the Guardian life insurance company of New York."
19. "An act to amend an act to incorporate the village of Panama, passed March 21, 1861."
19. "An act to regulate the fees of associate justices of the peace in criminal causes and in cases of bastardy."
19. "An act to amend title 1, part 2, chapter 5, article 8 of the Revised Statutes."
19. "An act to prevent attempts to commit burglaries and other crimes."
19. "An act to amend the Revised Statutes in relation to taking the testimony of witnesses out of the State."
19. "An act to provide for a night police in the village of Canandaigua."
19. "An act to authorize the appraisal and payment of canal damages to James Hyde."
21. "An act to amend an act entitled 'An act in relation to jurors and to the appointment and the duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858."

April 21. "An act to exempt all that part of the city of Albany lying west of Allen street, from certain taxes and assessments, and for auditing the accounts of the commissioner and overseers of highways in that district."

21. "An act to amend an act entitled 'An act to incorporate the village of Mount Morris,' passed May 2, 1835, and the several subsequent acts amending the same."

21. "An act to legalize the tax levied by the board of trustees of the village of Olean, for the year 1861, and to provide for the collection of the amount of such tax as the same has been heretofore levied and assessed by said trustees."

21. "An act entitled 'An act in regard to tolls on the Jordan and Skaneateles plankroad.'"

21. "An act to re-incorporate the Rockbottom bridge company, of the village of Binghamton."

21. "An act to amend the statutes concerning teachers' institutes, and otherwise in relation to public instruction."

21. "An act to amend and consolidate the several acts relative to the city of Schenectady."

21. "An act to authorize the Canal Commissioners to build a farm bridge over the Genesee Valley canal, on the farm of Robert Ramsey, in the town of Belfast, in the county of Allegany."

21. "An act providing for the appointment of an additional number of notaries public in the city and county of New York."

21. "An act to incorporate the Neversink river plankroad company, and to authorize the issuing and holding of certificates of stock therein."

21. "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857."

21. "An act to provide for the election of a police justice in the town of Milton, Saratoga county."

21. "An act to confirm the contract made by the street commissioners of the city of New York with Michael Tracy, for doing certain work in Fifty-sixth street, between Broadway and Sixth avenue."

21. "An act to release the interest of the State in certain lands, of which Paul McCloskey died seised or possessed, to Ann McCloskey and others."

21. "An act for the collection of taxes in the towns of Morrisania and West Farms, in the county of Westchester."

21. "An act to amend an act entitled 'An act to incorporate the village of Olean, in the county of Cattaraugus, to provide for the election of officers for the same, and to declare the said village a separate road district,' passed April 1, 1858."

21. "An act to authorize the electors of the town of Covert, in the county of Seneca, to vote a sum of money for the relief of Nathan B. Wheeler, and to raise the same by tax, and to pay the same."

21. "An act for the relief of Joseph H. Godwin."

21. "An act to provide for the payment of certain claims incurred in the organization, equipment and subsistence of troops raised in the State of New York, or received therefrom for the service of the United States."



- April 21. "An act to amend an act to incorporate the Harlem stage and ferry company of the city of New York, passed April 17, 1860."
21. "An act for the relief of Leora A. Poole."
21. "An act to provide for laying out and constructing a public highway in the county of Hamilton, and applying the non-resident highway taxes upon certain lands in said county for that purpose."
21. "An act to amend the charter of the village of Dexter."
21. "An act to confirm the acts of Samuel Sizer, as commissioner of deeds."
21. "An act to increase the duties and compensation of the physicians respectively at the Auburn, Sing Sing and Clinton prisons."
21. "An act to authorize Henry Hazard Gillespie, otherwise known as Henry H. Howard, of the city of New York, to change his name to Harry Howard."
21. "An act incorporating a permanent library association for Masonic and kindred works, in the city of New York."
21. "An act to provide for the re-construction or alteration of the highway leading from Richfield Springs, Otsego county, to the village of Mohawk, in the county of Herkimer."
21. "An act for the relief of the Brooklyn, Bath and Coney Island railroad company."
21. "An act to authorize the issue of bonds by the president and trustees of the American guano company, of the city of New York, and the execution by them, as security for the same, of a first mortgage on their property, real and personal, on Jarvis Island and Baker's Island, in the Pacific Ocean."
21. "An act to confirm and make valid a certain ordinance of the common council of the city of New York, passed November 27, 1855."
21. "An act to provide for the payment of Francis Crawford, as a soldier in the First regiment of New York volunteers in the Mexican war."
21. "An act to incorporate the Blind Mechanic's association, to be located in the city of New York."
21. "An act to facilitate the closing up of insolvent and dissolved mutual insurance companies."
21. "An act to amend chapter 277 of the Laws of 1839, entitled 'An act to amend the charter of the Long Island railroad company.'"
22. "An act for the relief of Hawley, Waldron and company."
22. "An act to adapt the canals of this State to the defence of the northern and northwestern lakes."
22. "An act confirming acts of courts of sessions of Cortland county."
22. "An act to alter the term for which criminals may be sentenced to State prisons, and to provide for their earning a commutation of sentence and an increase of the amount to be paid them on their discharge."
22. "An act to confirm and legalize certain acts of the common council of the city of New York."
22. "An act authorizing the transcribing of certain registry lists in the town of Whitestown, county of Oneida."

April 22. "An act to incorporate the Union home and school for the education and maintenance of the children of volunteers."

22. "An act to provide for the reimbursement of certain persons and regiments belonging to the militia of this State for clothing and equipments lost or destroyed in the service of the United States."

22. "An act to provide for the consolidation of banking associations."

22. "An act to authorize the sale of property of the Baptist Church, in the village of New Haven, county of Oswego."

22. "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo and to enlarge its boundaries,' passed April 13, 1853, and the several acts amendatory thereof."

22. "An act further to amend the act entitled 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848."

22. "An act to amend an act entitled 'An act to incorporate the Mount Vernon savings bank,' passed April 17, 1861."

22. "An act authorizing the commissioners of highways of the town of Watervliet, in the county of Albany, to lay out and open a certain highway in the said town, of the width of two rods."

22. "An act to repeal part of an act passed April 15, 1858, entitled 'An act to amend an act to establish regulations for the port of New York,' passed April 16, 1857."

22. "An act to incorporate the fire department of the village of Batavia."

22. "An act for the appointment of overseers of highways in the town of Schoharie, Schoharie county."

22. "An act to authorize school district No. 4, in the town of Greece, to raise money on its bonds for building a school house."

22. "An act to declare the village of Groton, in the county of Tompkins, a separate road district, and to provide for raising money by tax therein for highways, and to compel owners or occupants of property therein to repair sidewalks, and for other purposes."

22. "An act to reduce the expenses of criminal proceedings in the town and village of Binghamton."

22. "An act in relation to the Susquehanna seminary, at Binghamton."

22. "An act making appropriations for the support of Government for the fiscal year commencing on the first day of October, in the year 1862."

22. "An act in relation to the draining of certain lands in the town of Ithaca, county of Tompkins."

22. "An act to incorporate the Moresville turnpike company."

22. "An act to provide for the formation of societies for the prevention of horse stealing."

22. "An act to sell and divide the property of the First Congregational Society of Groton, excepting the burying ground."

22. "An act to amend an act entitled 'An act to incorporate the Society for the relief of poor widows with small children,' passed April 5, 1810."

- April 22. "An act to consolidate certain school districts within or adjoining the corporate limits of the village of Sag Harbor, Suffolk county, and to establish a union school therein."
22. "An act to constitute the village of Middleport, in the towns of Royalton and Hartland, and county of Niagara, a separate road district."
- April 22. "An act in relation to boards of health in Orange and Chautauqua counties."
22. "An act to extend the time for the completion of the Lebanon Springs railroad."
22. "An act to incorporate the American shipmasters' association."
22. "An act to amend an act entitled 'An act in relation to the election of superintendents of the poor and coroners in the county of Kings,' passed April 7, 1858."
22. "An act to amend an act entitled 'An act to provide for the erection of a town hall in the town of Flushing, in the county of Queens,' passed March 19, 1861."
22. "An act to release the interest of the people of the State of New York in certain lands, to Charles G. Gere."
22. "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."
22. "An act for the establishing academical departments in the different union schools."
23. "An act to establish a tribunal of conciliation in the sixth judicial district."
23. "An act to enable the board of supervisors of the county of New York to raise money by tax for certain county purposes; also, to regulate the expenditure of certain revenues of said county."
23. "An act to exempt St. John's College, in the town of West Farms, county of Westchester, from the school tax."
23. "An act dividing the State into Congressional districts."
23. "An act in relation to the disposition of burial plots in the Lutheran cemetery at Middle Village, Queens county, Long Island."
23. "An act to provide means for the support of Government, and to pay the sum apportioned to be paid by this State of the direct tax levied by the act of Congress, approved the fifth day of August, 1861."

E. D. MORGAN.

The President (Mr. Bell in the chair,) presented the following communication:

ALBANY, April 23, 1862.

*To the Senate of the State of New York:*

SENATORS—Please accept my sincere thanks for the resolution you have passed, approving of the manner in which I have discharged the duties of your presiding officer.

The period has now arrived when our official relations must terminate, but I shall ever hold in grateful remembrance the kindness which I have received from each of you, and shall always cherish a fervent friendship for each member and officer of the Senate.

Hoping that you all may be blessed and prospered.

I am, very respectfully, your obedient servant,

R. CAMPBELL.

Mr. Hutchinson, from the committee appointed to wait on the Governor and inform him that the Senate was ready to adjourn, reported that they had performed that duty, and that his Excellency was pleased to say that he desired the committee to convey to the Honorable the Senate, his appreciation of the value and importance of the service it has rendered to the State and to the country, and to make his acknowledgments for the marked courtesy which on all occasions has been extended to the executive branch of the government, and that he had no further communication to make, but tendered his best wishes, to all its members, for their happiness and prosperity.

Mr. Folger, from the committee appointed to wait on the Assembly and inform that body that the Senate was ready to adjourn, reported that they found that body adjourned.

The hour of 11 o'clock having arrived, the President (Mr. Bell,) rose and said:

I cannot separate from my associates without returning my thanks for the many obligations you have placed me under.

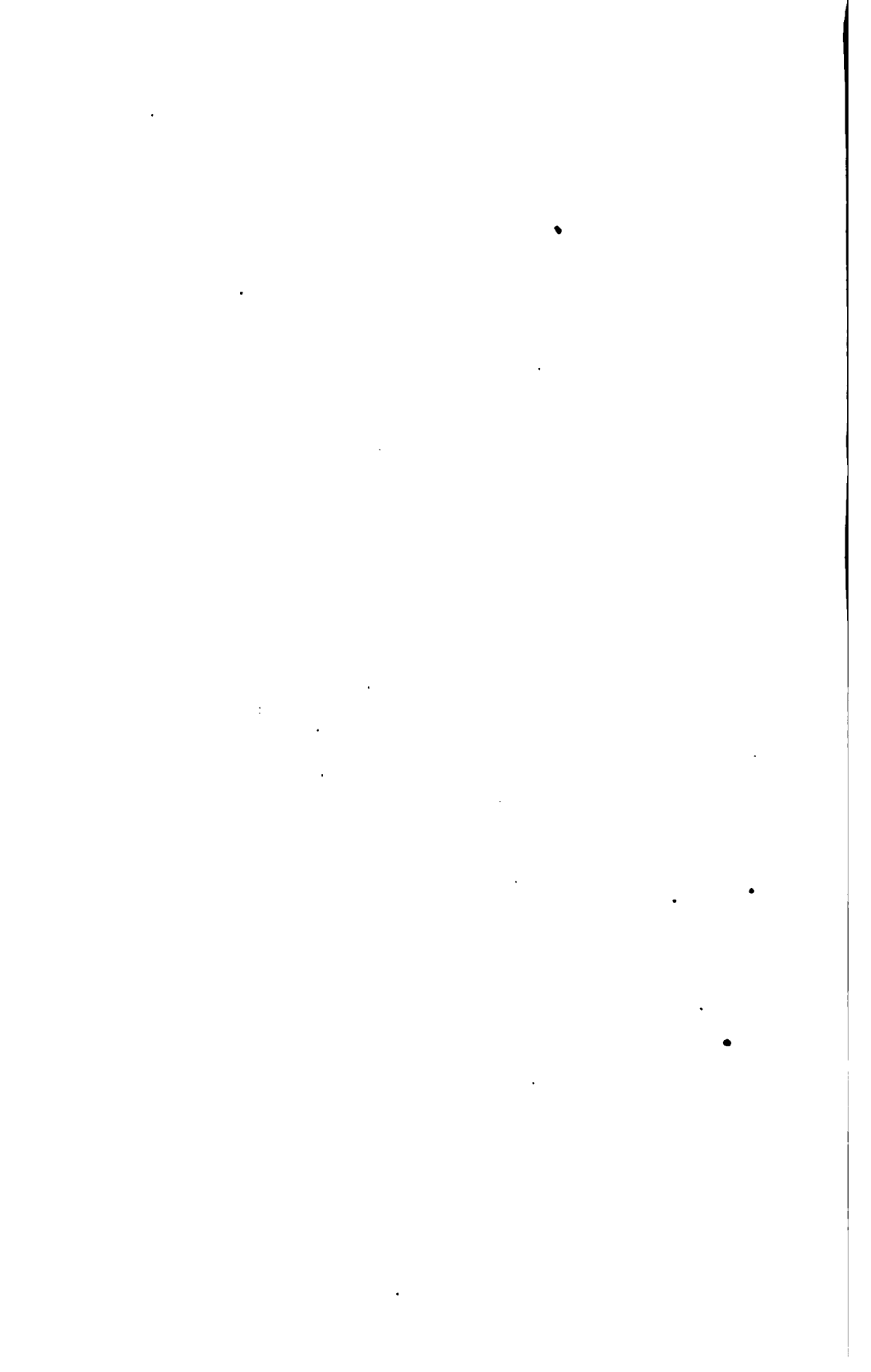
We came together at the opening of the session for the most part strangers. Our intercourse has been pleasant, and amid all the excitement incident to a session of the Legislature, our deliberations have been characterized by a spirit of courtesy and liberality.

The interests of the State have received unremitted attention. We can congratulate ourselves and the country that the various measures which have received the final approval of this Legislature, have been such as will meet the approbation of the State.

Trusting that He who holds in his hands the issues of life may preserve us during the recess and permit us to return with health and strength to renew our legislative labors at the next session, I now in accordance with the provisions of the Constitution, and pursuant to the concurrent resolution of the Senate and Assembly, declare this Senate adjourned *sine die*.

And then the Senate adjourned.

JAS. TERWILLIGER, *Clerk*.



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